

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 07-3240

Total Deleted Page(s) = 21

Page 192 ~ b6; b7C; Third Party;
Page 193 ~ b6; b7C; Third Party;
Page 194 ~ b6; b7C; Third Party;
Page 195 ~ b6; b7C; Third Party;
Page 196 ~ b6; b7C; Third Party;
Page 197 ~ b6; b7C; Third Party;
Page 198 ~ b6; b7C; Third Party;
Page 237 ~ b6; b7C; Third Party;
Page 238 ~ b6; b7C; Third Party;
Page 239 ~ b6; b7C; Third Party;
Page 240 ~ b6; b7C; Third Party;
Page 241 ~ b6; b7C; Third Party;
Page 242 ~ b6; b7C; Third Party;
Page 243 ~ b6; b7C; Third Party;
Page 279 ~ b6; b7C; Third Party;
Page 280 ~ b6; b7C; Third Party;
Page 281 ~ b6; b7C; Third Party;
Page 282 ~ b6; b7C; Third Party;
Page 283 ~ b6; b7C; Third Party;
Page 284 ~ b6; b7C; Third Party;
Page 285 ~ b6; b7C; Third Party;

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

U. S. Department of Justice

FEDERAL BUREAU
of
INVESTIGATION

Bureau File Number

WFO

DO NOT
DESTROY

FOIPA#

See also Nos.

FOIPA# 1049408
~~6-12-86 11-2006~~

CLASSIFICATION NO.

161 14852 [only]

Serials

Volume Number

C

Standard Form 86

AUGUST 1964
U.S. CIVIL SERVICE COMMISSION
(F.P.M. CHAPTER 3736)
86-107SECURITY INVESTIGATION DATA
FOR SENSITIVE POSITION

CASE SERIAL NO. (CSC use only)

49

INSTRUCTIONS.—Prepare in triplicate, using a typewriter. Fill in all items. If the answer is "No" or "None," so state. If more space is needed for any item, continue under item 28.

1. FULL NAME (Initials and abridgements of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(no given or middle name)"	(LAST NAME) Ellingwood	(FIRST NAME) Herbert	(MIDDLE NAME) Eugene	2. DATE OF BIRTH March 5, 1931
	OTHER NAMES USED. (Maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Specify which, and show dates used.) None			3. PLACE OF BIRTH Ordway, Colorado
ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-30-2007 BY AUC 60324/BAW/STP/cld				4. <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE
				5. HEIGHT 5'10"

6. <input type="checkbox"/> SINGLE <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> WIDOW(ER) <input type="checkbox"/> DIVORCED	7. IF MARRIED, WIDOWED, OR DIVORCED, GIVE FULL NAME AND DATE AND PLACE OF BIRTH OF SPOUSE OR FORMER SPOUSE. INCLUDE WIFE'S MAIDEN NAME. GIVE DATE AND PLACE OF MARRIAGE OR DIVORCE. (Give same information regarding all previous marriages and divorces.) Audrey Alice Kesler; Cass, West Virginia; August 19, 1932; married April 13, 1957, Baltimore, Maryland
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8. DATES AND PLACES OF RESIDENCE. (If actual places of residence differ from the mailing addresses, furnish and identify both. Begin with present and go back to January 1, 1937. Continue under item 28 on other side if necessary.)

FROM	TO	NUMBER AND STREET	CITY	STATE
8/79	Present	3523 Buckskin Court	Rocklin	California
4/74	8/79	7595 Auburn Folsom Road	Loomis	California
9/73	3/74	235 Macario Ct, #3	Roseville	California
6/73	9/73	2751 Paseo Rio Way	Sacramento	California
6/67	5/73	5401 Shelley Way	Carmichael	California
1/67	6/67	Various Apartments	Sacramento	California
1961	1966	18349 Almond Road	Castro Valley	California
1957	1960	41241 Roberts Avenue	Fremont	California
1942	1957	2 Maher Road	Watsonville	California
1937	1942	101 Highway	Armas	California

9. <input checked="" type="checkbox"/> U.S. CITIZEN <input type="checkbox"/> ALIEN	<input checked="" type="checkbox"/> BY BIRTH <input type="checkbox"/> NATURALIZED	ALIEN REGISTRATION NO.	DATE, PLACE, AND COURT
	CERT. NO.	PETITION NO.	
<input type="checkbox"/> DERIVED-PARENTS CERT. NO(S).			
REGISTRATION NO.	NATIVE COUNTRY	DATE AND PORT OF ENTRY	

10. EDUCATION. (All schools above elementary.)

NAME OF SCHOOL	ADDRESS	FROM (Year)	TO (Year)	DEGREES
Salinas Union High School	Salinas, Calif.	1945	1949	Diploma
Yale University	New Haven, Conn.	1949	1953	BA NH
Stanford Law School	Stanford, CA	1957	1960	LLB SF

11. THIS SPACE FOR FBI USE. (See also item 29.)

12. SOCIAL SECURITY NUMBER

726 09 456

13. MILITARY SERVICE (Past or present)

SERIAL NO.
(If none, give grade or rating at separation)

First Lt.

BRANCH OF SERVICE
(Army, Navy, Air Force, etc.)

Army

SEARCHED	SERIALIZED	INDEXED	FILED
MAR 30 1981			
1953 1956			
WASH. FIELD OFFICE			

14. HAVE YOU EVER BEEN DISCHARGED FROM ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS? ☐ YES ☒ NO.
(If answer is "Yes," give details in item 28.)

15. EMPLOYMENT. (List ALL employment dates starting with your present employment. Give both month and year for all dates. Show ALL dates and addresses when unemployed. Give name under which employed if different from name now used.)

FROM	TO	NAME OF EMPLOYER (Firm or agency) AND SUPERVISOR (Full name, if known)	ADDRESS (Where employed)	TYPE OF WORK	REASON FOR LEAVING
7/1979	Present	Caldwell & Toms	812 J Street Sacramento, CA	Attorney	Appointment SC
1/1975	6/79	California Attorney General	555 Capitol Mall Sacramento, CA	Attorney	Private Practice
2/69	12/74	California Governor	State Capitol Sacramento, CA	Attorney	Elections
11/66	1/69	State Bar of California	455 Capitol Mall Sacramento	Legislative Representative	To Governor's Office
6/60	10/66	District Attorney Alameda County	Courthouse, Oakland, CA	Attorney	SF To State Bar

16. HAVE YOU EVER BEEN DISCHARGED (FIRED) FROM EMPLOYMENT FOR ANY REASON? ☐ YES ☒ NO.

17. HAVE YOU EVER RESIGNED (QUIT) AFTER BEING INFORMED THAT YOUR EMPLOYER INTENDED TO DISCHARGE (FIRE) YOU FOR ANY REASON? ☐ YES ☒ NO.
(If your answer to 16 or 17 above is "Yes" give details in item 28. Show the name and address of employer, approximate date, and reasons in each case. This information should agree with the statements made in item 15—EMPLOYMENT.)

18. HAVE YOU EVER BEEN ARRESTED, TAKEN INTO CUSTODY, HELD FOR INVESTIGATION OR QUESTIONING, OR CHARGED BY ANY LAW ENFORCEMENT AUTHORITY?
(You may omit: (1) Traffic violations for which you paid a fine of \$30 or less; and (2) anything that happened before your 16th birthday. All other incidents must be included, even though they were dismissed or you merely forfeited collateral.) ☐ YES ☒ NO.

IF YOUR ANSWER IS "YES," GIVE FULL DETAILS BELOW:

DATE	CHARGE	PL/ E	LAW ENFORCEMENT AUTHORITY	ACTION TAKEN
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D.

THIS

(SIGNATURE AND TITLE OF AUTHORIZED REPRESENTATIVE)

Standard 1

AUGUST 1964
U.S. CIVIL *
(F.P.M. CH)DO YOU EVER HAD A NERVOUS BREAKDOWN OR HAVE YOU EVER HAD MEDICAL TREATMENT FOR A MENTAL CONDITION? ☐ YES ☒ NO
(If your answer is "Yes," give details in item 28.)

IP

FOREIGN COUNTRIES VISITED (SINCE 1930). (Exclusive of military service.)

COUNTRY

DATE LEFT U.S.A.

DATE RETURNED U.S.A.

PURPOSE

See attachment A

AX

21. ARE YOU NOW, OR HAVE YOU EVER BEEN, A MEMBER OF THE COMMUNIST PARTY, U.S.A., OR ANY COMMUNIST OR FASCIST ORGANIZATION? ☐ YES ☒ NO.22. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY FOREIGN OR DOMESTIC ORGANIZATION, ASSOCIATION, MOVEMENT, GROUP, OR COMBINATION OF PERSONS WHICH IS TOTALITARIAN, FASCIST, COMMUNIST, OR SUBVERSIVE, OR WHICH HAS ADOPTED, OR SHOWS, A POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO DENY OTHER PERSONS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES, OR WHICH SEEKS TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS? ☐ YES ☒ NO.

23. IF YOUR ANSWER TO QUESTION 21 OR 22 ABOVE IS "YES," STATE THE NAMES OF ALL SUCH ORGANIZATIONS, ASSOCIATIONS, MOVEMENTS, GROUPS, OR COMBINATIONS OF PERSONS AND DATES OF MEMBERSHIP. IN ITEM 28 OR ON A SEPARATE SHEET TO BE ATTACHED TO AND MADE A PART OF THIS FORM, GIVE COMPLETE DETAILS OF YOUR ACTIVITIES THEREIN AND MAKE ANY EXPLANATION YOU DESIRE REGARDING YOUR MEMBERSHIP OR ACTIVITIES.

NAME IN FULL

ADDRESS

FROM

TO

OFFICE HELD

None

24. MEMBERSHIP IN OTHER ORGANIZATIONS. (List all organizations in which you are now a member or have been a member, except those which show religious or political affiliations.) (If none, so state.)

NAME IN FULL

ADDRESS

TYPE

FROM

TO

OFFICE HELD

See attachment B

25. RELATIVES. (Parents, spouse, divorced spouse, children, brothers, and sisters, living or dead. Name of spouse should include maiden name and any other names by previous marriage. If person is dead, state "dead" after relationship and furnish information for other columns as of time of death.)

RELATION	NAME IN FULL	YEAR OF BIRTH	ADDRESS	COUNTRY OF BIRTH	PRESENT CITIZENSHIP
Father	Harry Clifford Ellingwood	1900	Deceased	U. S.	Yes
Mother	Edith Arleene Ellingwood	1900	1763 GreenValleyRd Watsonville, CA	U. S.	Yes
Wife	Audrey Alice Kesler	1932	3523 Buckskin Ct Rocklin, CA	U. S.	Yes
Son	Edwin Bruce Ellingwood	1963	3523 Buckskin Ct Rocklin, CA	U. S.	Yes
Son	Thomas Barry Ellingwood	1967	3523 Buckskin Ct Rocklin, CA	U. S.	Yes
Sister	Juanita Ellingwood	1924	Deceased	U. S.	Yes
Sister	Pauline Nelson	1926	792 Echo Valley Rd Salinas, CA	U. S.	Yes
Sister	Mildred Chapman	1928	1763 GreenValleyRd Watsonville, CA	U. S.	Yes
Brother	Al Ellingwood	1935	1000 Highway 101, Aromas, CA	U. S.	Yes
Brother	Wayne Ellingwood	1938	P.O. Box 505, Roodepoort Tvl 1725 South Africa	U. S.	Yes

26a. REFERENCES (Name three persons, not relatives or employers, who are aware of your qualifications and fitness.)

NAME IN FULL	HOME ADDRESS	BUSINESS ADDRESS	YEARS KNOWN
Rev. Orville Easterly	1041 Audrey Way, Roseville	202 Bonita Ave. Roseville, CA	7
Walter Hanson	4633 Whitney Avenue, Sacramento, CA		20
Steven Merksamer	4700 Olive Oak Way, Carmichael	555 Capitol Mall	15

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26b. CLOSE PERSONAL ASSOCIATES. (Name three persons, such as friends, schoolmates or colleagues, who know you well.)

NAME IN FULL	HOME ADDRESS	BUSINESS ADDRESS	YEARS KNOWN
Peter DeMauro	142 Gold Oak Circle, Folsom, CA	555 Capitol Mall Sacramento	6
Flo Snyder	326 Rio Grande, Sacramento, CA	555 Capitol Mall Sacramento	6
Kay Eldridge	3790 Oakdale Ct, Rocklin, CA	812 J Street, Sacramento	12

27. TO YOUR KNOWLEDGE, HAVE YOU EVER BEEN THE SUBJECT OF A FULL FIELD OR BACKGROUND PERSONAL INVESTIGATION BY ANY AGENCY OF THE FEDERAL GOVERNMENT? ☒ YES ☐ NO. (If your answer is "Yes," show in item 28, (1) the name of the investigating agency (2) the approximate date of investigation, and (3) the level of security clearance granted, if known.)

28. SPACE FOR CONTINUING ANSWERS TO OTHER QUESTIONS. (Show item numbers to which answers apply. Attach a separate sheet if there is not enough space here.)

#27 - Counter Intelligence, 1954; top secret

29. REPORT OF INFORMATION DEVELOPED. (This space reserved for FBI use.)

DATE:

Before signing this form check back over it to make sure you have answered all questions fully and correctly.

CERTIFICATION

I CERTIFY that the statements made by me on this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

False statement on this form
is punishable by law.

(DATE)

(SIGNATURE—Sign original and first carbon copy)

INFORMATION TO BE FURNISHED BY AGENCY

INSTRUCTIONS TO AGENCY: See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on when this form is required and how it is used. If this is a request for investigation before appointment, insert "APPL" in the space for Date of Appointment and show information about the proposed appointment in the other spaces for appointment data. The original and the first carbon copy should be signed by the applicant or appointee. Submit the original and the unsigned carbon copy of the form, Standard Form 87 (Fingerprint Chart), and any investigative information about the person received on voucher forms or otherwise, to the United States Civil Service Commission, Bureau of Personnel Investigations, Washington, D.C., 20415. If this is a request for full field security investigation, submit these forms to the attention of the Division of Reimbursable Investigations; if this is a request for preappointment national agency checks, submit these forms to the attention of the Control Section.

RETAIN THE CARBON COPY OF STANDARD FORM 86 (SIGNED BY THE APPLICANT OR APPOINTEE) FOR YOUR FILES

DATE OF APPOINTMENT	TYPE OF APPOINTMENT <input type="checkbox"/> EXCEPTED <input type="checkbox"/> COMPETITIVE (Include indefinite and temporary types of competitive appointments.)	CIVIL SERVICE REGULATION NUMBER OR OTHER APPOINTMENT AUTHORITY	TITLE OF POSITION AND GRADE OR SALARY
DEPARTMENT OR AGENCY	DUTY STATION	SEND RESULTS OF PREAPPOINTMENT CHECK TO:	
THIS IS A SENSITIVE POSITION			
(SIGNATURE AND TITLE OF AUTHORIZED AGENCY OFFICIAL)			

AX

QUESTION 20:

Foreign Countries Visited	Dates	Purpose
Canada	1953, 1957, 1976	Tourist
Mexico - Many times to Tijuana; latest in 1978		
England, Scotland, Ireland, France, West Germany, Switzerland, Lichenstein, Belgium, Luxemburg, Netherlands, Sweden, Spain, Monte Carlo, Italy, Austria, Saar	1955, 1956	Tourist While in Military
Taiwan	4/2/79 - 4/9/79 7/12/79 - 7/22/79 3/1/80 - 3/6/80 11/30/80 - 12/3/80 2/28/81 - 3/5/81	4/13/79 7/22/79 3/7/80 12/3/80 3/9/81 Tourist
Philippines	4/11/79 - 4/13/79 2/28/80 - 3/1/80 6/7/80 - 6/8/80 3/5/81 - 3/6/81	4/13/79 3/7/80 6/8/80 3/9/81 Tourist
HongKong	4/9/79 - 4/11/79 11/6/79 - 11/7/79 3/6/80 - 3/7/80 6/19/80 - 6/21/80	4/13/79 11/7/79 3/7/80 6/21/80 Tourist
Korea	10/25/79 - 10/28/79	Tourist
China	October/November 1979 6/8/80 - 6/19/80	11/7/79 6/21/80 Tourist
Singapore	3/6/81 - 3/9/81	3/9/81 Tourist

Question 24:

Membership in Other Organizations:

	Type	From - To	Office Held
State Bar of California 555 Franklin St., San Francisco	Professional	1960 to Present	SF Various Offices
American Bar Association 1800 M Street, N.W. Washington DC	"	1960 to Present	"
Sacramento County Bar Association 901 H Street, Sacramento, CA	"	1967 to Present	None
Placer County Bar Assn. 730 Sunrise Avenue, Roseville	"	1974 to Present	None
Christian Legal Society P. O. Box 2069, Oak Park, Ill.	"	1967 to Present	National President
Chabot College 2555 Hesperian Blvd., Hayward, CA	Education	Circa 1965	Instructor
Calif. Specialized Training Institute	Education	1972-1974	Member, Academic Bd.
Oakland Junior Chamber of Commerce Oakland, CA	Civic	1960-1967	Various Committees
Alpha Foundation 22556 Gilmore St., Canoga Park, CA	Education	1972 - Present	Director
Institute of Continuing Studies, California State University Sacramento, CA	"	1976 - Present	Member, Advisory Bd.
California Junior Statesmen of America Foundation 480 California Ave., Palo Alto CA	Education	1964 - Present	Various Offices

FBI Release

AUTHORITY TO RELEASE INFORMATION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAU/STP/cld

TO WHOM IT MAY CONCERN:

I hereby authorize any Special Agent or other authorized representative of the Federal Bureau of Investigation bearing this release, or copy thereof, within one year of its date, to obtain any information in your files pertaining to my educational records including, but not limited to, academic, achievement, attendance, athletic, personal history, and disciplinary records; employment records; and credit records. I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of the Federal Bureau of Investigation. Consent is granted for the FBI to furnish such information, as is described above, to third parties in the course of fulfilling its official responsibilities. I hereby release you, as the custodian of such records, and any school, college, university, or other educational institution, credit bureau or consumer reporting agency, including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below:

Full Name: Herbert E. Ellingwood
Signature

Full Name: Herbert E. Ellingwood
Type or Print Name

Parent/Guardian (if required): _____

Date: 3/10/81

Current Address: 3523 Buckskin Court, Rocklin, CA 95677

Telephone Number: (916) 624-4916

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-19-2007 BY AUC 60324/BAW/STP/cld

NO CLASSIFICATION PER OGA LETTER
DATED 06-11-2007

TRANSMIT VIA: Airtel

CLASSIFICATION: _____

DATE: 3/27/81

✓ FROM: Director, FBI

TO: SAC, Washington Field - Enc. 3 ✓
Alexandria - Enc. 2
Baltimore - Enc. 2
New Haven - Enc. 2
Sacramento - Enc. 2
San Francisco - Enc. 2
St. Louis - Enc. 2

3 ways
HERBERT EUGENE ELLINGWOOD
SPECIAL INQUIRY
BUDED: APRIL 8, 1981 (B)

Bureau has been requested to conduct investigation of Ellingwood who is being considered for White House staff position. Born March 5, 1931, Ordway, Colorado, and resides 3523 Buckskin Court, Rocklin, California. SF-86 and records release enclosed.

b3

Sacramento, as principal office, insure at least twenty persons knowledgeable re appointee are interviewed.

SPIN

OFA/ah
DE
3/30/81

161-14852-2

SEARCHED <i>ML</i>	INDEXED <i>ML</i>
SERIALIZED <i>ML</i>	FILED <i>ML</i>
MAR 30 1981	
FBI - WASH. FIELD OFFICE	

Turn *hnh*

(Complete in duplicate)

(Complete in duplicate)

Staff.

appt

HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

~~3/31 Crossed White House Staff.~~ ✓

~~31st - Cronin - Determine Local Address~~
~~Friendship House~~

ces. Kattota Jensen

Miscellaneous

appt

4

[illegible]

PGPD

ST P/P

VISA

INS

USCG

MM MS

ERDA OR NRC-SY

\$15 \$

PWA 1

WAA 1

WPA 1

IRS

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BARS

BVS

X Airtel

4/21/81

TO: DIRECTOR, FBI

FROM: SAC, WFO (161-14852) (RUC)

HERBERT EUGENE ELLINGWOOD
SPECIAL INQUIRY
BUDED: 4/8/81

Re BuAT dated 3/27/81.

ADMINISTRATIVE

"Where appropriate, Privacy Act (e) (3)
data was furnished to persons interviewed.
Express promises of confidentiality, both
limited and unlimited, have been noted
and granted."

1 Bureau
1 WFO
MH:mh
(2)

Searched BUD
Serialized BUD
Indexed BUD
Filed BUD

161-14852-3

DESTROY

RETIRED

WFO 161-14852

RPC:jd

1

White House

The following investigation was conducted by
SA [redacted] on April 8, 1981:

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Third Party

A review of the appointee's Official Personnel File at the Personnel Office, Office of Administration, Executive Office of the President revealed the following information concerning Herbert E. Ellingwood:

3/23/81

Excepted appointment to the position of Deputy Counsel to the President, White House. The file contains no additional pertinent information.

Richard Hauser, Deputy Counsel to the President advised that he has known the appointee on a professional basis for only about one month. Hauser stated that the appointee comes to this position highly recommended. He has neither seen nor heard anything which would lead him to question his reputation and he would recommend him for a position of confidence and trust.

Peter J. Rusthoven, Assistant Counsel, White House advised that he has known the appointee on a professional basis for about one month. His comments concerning Ellingwood are favorable but are based only on this brief acquaintance. He knows nothing negative concerning him and would recommend him for a position of confidence and trust.

WFO 161-14852

BAM:kao

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RESIDENCE

b6

b7C

Third Party

Fellowship House
2817 Woodland Drive, N.W.
Washington, D. C.

On April 9, 1981, SA [] conducted the following investigation concerning the appointee, Herbert Eugene Ellingwood:

Albert M. Gillett, Resident Host, Fellowship House, advised that the appointee began staying at the above captioned location on April 1, 1981. He will be a guest here until he finds a permanent residence.

Gillett stated that he does not know the appointee well enough to comment as to character or make any recommendation for a position of trust and confidence.

WFO 161-14852

FL:kf

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b6

b7C

Third Party

Developed Associate

The following investigation was conducted by SA concerning the appointee, Herbert Ellingwood.

On April 9, 1981, it was determined at the Department of Justice (DOJ) that D. Lowell Jensen would most likely not be available for interview on April 10, 1981, due to his schedule.

On April 13, 1981, D. Lowell Jensen, the Assistant Attorney General (Criminal Division) advised he became a co-worker with the appointee in 1960 when the appointee became a Deputy District Attorney (DDA) in Alameda County, California. They were co-workers (DDA's) from then until 1966 or 1967 when the appointee left to take a position with the State Bar of California. Since then, they have maintained both professional and social contact. Jensen stated he is pleased and proud to be the appointee's friend. He added the appointee is a super person of absolutely the highest level of moral character and his technical abilities and skills as a lawyer are superior. Nothing of an adverse nature was known concerning the appointee to include his character, reputation, integrity, or patriotism. Jensen highly recommended the appointee for a position of trust and confidence in the United States Government.

CREDIT AND POLICE AGENCIES

SC [redacted] caused a search to be made of the files of the Credit Bureau, Incorporated, Washington, D. C., and was advised on 4-7-81 that the files contained (a satisfactory credit record) ~~(no credit rating) (no record)~~ for the appointee.

On 4-1-81, SC [redacted] determined that no arrest record was contained in the Metropolitan Police Department files concerning the appointee ~~(or relatives)~~.

It is to be noted that at all times an indefinite number of unidentified records are out of file and not available for review.

On 4-1-81, SC [redacted] determined that no record was contained in the Department of Transportation, Bureau of Motor Vehicle Services, Government of the District of Columbia files concerning the appointee ~~(or relatives)~~.

On 4-1-81, SC [redacted] searched the files of the U. S. Park Police and no identifiable adult criminal or traffic record could be located regarding the appointee.

MISCELLANEOUS

SC [redacted] caused a search to be made of the files of the Office of Personnel Management, and was advised on 4-15-81 that no ~~(additional pertinent information)~~ (record) was found concerning the appointee.

SC [redacted] caused a search to be made of the files of the U.S. Secret Service, Department of the Treasury, and was advised on 4-13-81 that ~~(no record) (no derogatory information) (no additional pertinent information)~~ was found concerning the appointee.

161 Matter
Request for Record Checks

BUDED 7/18

FBIHQ in attached communication has requested search of records. Check your area and forward, if any questions contact the SA indicated below.

b6
b7C
Third Party

Case SA

Return to Squad C-1

Search to be conducted on appointee, relatives, and present business establishment

	Date Searched	Individual Searching Record
INDICES	7-18-85	
CFR	7-18-85	
ELSUR	7/18/85	
ISIS	7/18/85 (neg)	
ASSET/INFO.		

WFO Indices - Herbert Ellingwood
52-18088-44-P. 3

Herbert Eugene
161-14852 *

CFR CONFIDENTIAL INDICES SEARCH

SEARCHED BY:

DATE: 7-18-85

- ☒ NEGATIVE RESULTS
☐ POSITIVE RESULTS
(REVIEW INFO. AT CFR)

ELSUR INDICES

SEARCHED BY:

DATE: 7/18/85

- ☒ NEGATIVE RESULTS
☐ POSITIVE RESULTS (SEE ATT.)
(REVIEW INFO. AT CFR)

**IMPORTANT
AND URGENT**

ORIGINAL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

INBOX.14 (#4656)

TEXT:

VZCZCHQ0089

PP AFO

DE HQ #0089 1820100

ZNR UUUUU

P 232131Z JUN 85

FM DIRECTOR FBI

TO ALL FBI FIELD OFFICES PRIORITY

BT

UNCLAS

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85
WITHOUT FAIL. (B)

REBUTELS TO ALL OFFICES DATED SEPTEMBER 7, 1982.

BUREAU HAS BEEN REQUESTED TO CONDUCT EXPEDITE UPDATE
INVESTIGATION OF APPOINTEE FOR PRESIDENTIAL APPOINTMENT, AS
ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL POLICY,
DEPARTMENT OF JUSTICE, WASHINGTON, D. C., WHICH REQUIRES SENATE
CONFIRMATION.

ALL OFFICES CHECK INDICES AND ELSUR FILES BASED UPON
AVAILABLE INFORMATION CONCERNING APPOINTEE, HIS CLOSE RELATIVES
AND PRESENT BUSINESS ESTABLISHMENT.

WASHINGTON FIELD, IF UTILIZING MAJOR CASE INFORMATION
SYSTEM OR ISIS AND ARE OFFICE OF ORIGIN ON THOSE CASES SHOULD

161-14852-4

JUN 29 11 03 PM '85



b6
b7C
Third Party

JUL 1 1985

KF

WJR

ALSO CHECK THOSE DATA BASES. PROMPTLY SUTEL RESULTS (POSITIVE OR NEGATIVE) BY TELETYPE SUMMARY AND IF POSITIVE, FOLLOW WITH COPIES OF DOCUMENTS BY AIRTEL.

ALEXANDRIA, LOS ANGELES, PITTSBURGH, RICHMOND, SACRAMENTO, SAN FRANCISCO AND WASHINGTON FIELD SHOULD NOT RUC UPON COMPLETION OF THE ABOVE RECORD CHECKS AS ADDITIONAL INVESTIGATION IS FORTHCOMING.

ELLINGWOOD IS CURRENTLY EMPLOYED BY MERIT SYSTEMS PROTECTION BOARD, WASHINGTON, D. C., IS DESCRIBED AS BORN MARCH 5, 1931, IN ORDWAY, COLORADO; HAS SSAN 726-09-4567; AND RESIDES 6607 BRIAR HILL COURT, MC LEAN, VIRGINIA.

RELATIVES: FATHER (DECEASED), HARRY CLIFFORD ELLINGWOOD, BORN JULY 29, 1900, IN ALBIA, IOWA; MOTHER, EDITH ARLEENE ELLINGWOOD, BORN MARCH 12, 1900, IN AMES, KANSAS, RESIDES 1763 GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA; SPOUSE, AUDREY ALICE KESLER, BORN AUGUST 19, 1932, IN CASS, WEST VIRGINIA, RESIDES 6607 BRIAR HILL COURT, MC LEAN, VIRGINIA; SON, EDWIN BRUCE ELLINGWOOD, BORN NOVEMBER 17, 1963, IN CASTRO VALLEY, CALIFORNIA, RESIDES 6242 GREEN TAVERN LANE, YORBA LINDA, CALIFORNIA; SON, THOMAS BARRY ELLINGWOOD, BORN MARCH 18, 1967,

IN CASTRO VALLEY, CALIFORNIA, RESIDES WITH APPOINTEE AND
SPOUSE; SISTER (DECEASED), JUANITA ELLINGWOOD, BORN JULY 18,
1924, IN LA JUNTA, COLORADO; SISTER, PAULINE NELSON, BORN
SEPTEMBER 13, 1926, IN LA JUNTA, COLORADO, RESIDES 792 ECHO
VALLEY ROAD, SALINAS, CALIFORNIA; SISTER, MILDRED CHAPMAN, BORN
SEPTEMBER 29, 1928, IN ORDWAY, COLORADO, RESIDES 1355
INDEPENDENCE SQUARE, WATSONVILLE, CALIFORNIA; BROTHER, TAL
ELLINGWOOD, BORN SEPTEMBER 15, 1934, IN AROMAS, CALIFORNIA,
RESIDES 1000 HIGHWAY 101, AROMAS, CALIFORNIA; BROTHER, WAYNE
ELLINGWOOD, BORN MAY 19, 1938, IN AROMAS, CALIFORNIA, RESIDES
2862 COTTONWOOD, ORANGE, CALIFORNIA.

SPIN

BT

#0089

NNNN

161 Matter
Request for Record Checks

BUDED 7-10-85

FBIHQ in attached communication has requested search of records. Check your area and forward, if any questions contact the SA indicated below.

Case SA

Return to Squad C-1

Search to be conducted on appointee, relatives, and present business establishment _____

	Date Searched	Individual Searching Record
INDICES	7-2-85	
CFR	7-2-85	
ELSUR	7-2-85	
ISIS	JUL -5 1985 <i>neg</i>	
ASSET/INFO.		

~~CONFIDENTIAL~~ ~~INDICES~~ ~~SEARCH~~

SEARCHED BY:

DATE: 7/2/85

- ☒ NEGATIVE RESULTS
☐ POSITIVE RESULTS
(REVIEW INFO. AT CFR)

b6
b7C
Third Party

ELSUR INDICES SEARCH

SEARCHED BY:

DATE: 7-2-85

- ☒ NEGATIVE RESULTS
☐ POSITIVE RESULTS (SEE ATT.)
(REVIEW INFO. AT CFR)

TO: OFFICE SERVICES MANAGER		Date
Subject		Social Security Account #

Aliases				
Address	Birth Date	Birthplace	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female

- | | | |
|--|---|---|
| <input type="checkbox"/> Exact Spelling | <input type="checkbox"/> Main Criminal Case Files Only | <input type="checkbox"/> Restrict Locality of |
| <input type="checkbox"/> All References | <input type="checkbox"/> Criminal References Only | |
| <input type="checkbox"/> Main Security Case Files Only | <input type="checkbox"/> Main Security (If no Main, list all Security References) | |
| <input type="checkbox"/> Security References Only | <input type="checkbox"/> Main Criminal (If no Main, list all Criminal References) | |

File & Serial Number	Remarks	File & Serial Number	Remarks
7/83 62-18088-44 p3	Herbert Ellingwood none doing		
	Chg. for		C-3 Pending
	C-2 Chg. Klotz		
	C-4		
→ who was on Oregon's Task Force for Law Enforcement. Ellingwood had been an advisor to Oregon during the period 1969-1975.			

Requested by	Squad	Extension	File No.
--------------	-------	-----------	----------

<input type="checkbox"/> General Indices: Searched by _____ Date _____	<input type="checkbox"/> ISIS: Searched by _____ Date _____
<input type="checkbox"/> Confidential Indices: Searched by _____ Date _____	<input type="checkbox"/> OCIS: Searched by _____ Date _____
<input type="checkbox"/> ELSUR Indices: Searched by _____ Date _____	<input type="checkbox"/> IIS: Searched by _____ Date _____

Consolidated by	Date
Reviewed by	Date

File Review Symbols
I - Identical
NI - Not identical
? - Not identifiable
U - Unavailable reference

784 - monkey

SECURITY INVESTIGATION DATA FOR SENSITIVE POSITION

CASE SERIAL NO. (CSC use only)

INSTRUCTIONS.—Prepare in triplicate, using a typewriter. Fill in all items. If the answer is "No" or "None," so state. If more space is needed for any item, continue under item 28.

1. FULL NAME <i>(Initials and abridgements of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(no given or middle name)"</i>	(LAST NAME) ELLINGWOOD	(FIRST NAME) HERBERT	(MIDDLE NAME) EUGENE	2. DATE OF BIRTH March 5, 1931	3. PLACE OF BIRTH Ordway, Colorado															
OTHER NAMES USED. <i>(Maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Specify which, and show dates used.)</i> NO CHANGES EXCEPT AS OTHERWISE NOTED ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-30-2007 BY AUC 60324/BAU/STP/cld				4. <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE																
6. <input type="checkbox"/> SINGLE <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> WIDOW(ER) <input type="checkbox"/> DIVORCED				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">5. HEIGHT</td> <td style="width: 15%;">WEIGHT</td> <td style="width: 15%;">COLOR EYES</td> <td style="width: 15%;">COLOR HAIR</td> </tr> <tr> <td>5'10"</td> <td>180</td> <td>Blue</td> <td>Blond</td> </tr> </table>		5. HEIGHT	WEIGHT	COLOR EYES	COLOR HAIR	5'10"	180	Blue	Blond							
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5'10"	180	Blue	Blond																	
7. IF MARRIED, WIDOWED, OR DIVORCED, GIVE FULL NAME AND DATE AND PLACE OF BIRTH OF SPOUSE OR FORMER SPOUSE. INCLUDE WIFE'S MAIDEN NAME. GIVE DATE AND PLACE OF MARRIAGE OR DIVORCE. <i>(Give same information regarding all previous marriages and divorces.)</i>																				
8. DATES AND PLACES OF RESIDENCE. <i>(If actual places of residence differ from the mailing addresses, furnish and identify both. Begin with present and go back to January 1, 1937. Continue under item 28 on other side if necessary.)</i> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">FROM</th> <th style="width: 15%;">TO</th> <th style="width: 30%;">NUMBER AND STREET</th> <th style="width: 15%;">CITY</th> <th style="width: 15%;">STATE</th> </tr> </thead> <tbody> <tr> <td>July 1981</td> <td>present</td> <td>6607 Briar Hill Court</td> <td>McLean</td> <td>AX/RH VA</td> </tr> </tbody> </table>						FROM	TO	NUMBER AND STREET	CITY	STATE	July 1981	present	6607 Briar Hill Court	McLean	AX/RH VA					
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<input type="checkbox"/> BY BIRTH	<input type="checkbox"/> NATURALIZED	ALIEN REGISTRATION NO.	DATE, PLACE, AND COURT																	
		CERT. NO.	PETITION NO.																	
<input type="checkbox"/> DERIVED-PARENTS CERT. NO(S).																				
<input type="checkbox"/> ALIEN	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">REGISTRATION NO.</td> <td style="width: 25%;">NATIVE COUNTRY</td> <td style="width: 50%;">DATE AND PORT OF ENTRY</td> </tr> </table>					REGISTRATION NO.	NATIVE COUNTRY	DATE AND PORT OF ENTRY												
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NAME OF SCHOOL	ADDRESS	FROM (Year)	TO (Year)	DEGREES																
<div style="text-align: right; font-size: 1.2em; font-weight: bold;">161-14852-5</div> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">SEARCHED _____</td> <td style="width: 50%;">INDEXED _____</td> </tr> <tr> <td>SERIALIZED _____</td> <td>FILED _____</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 10px;"> <div style="font-size: 1.5em; font-weight: bold;">JUL 1 1985</div> </td> </tr> <tr> <td colspan="2" style="text-align: center;"> FBI — WASH. FIELD OFFICE </td> </tr> </table> </div>						SEARCHED _____	INDEXED _____	SERIALIZED _____	FILED _____	<div style="font-size: 1.5em; font-weight: bold;">JUL 1 1985</div>		FBI — WASH. FIELD OFFICE								
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14. HAVE YOU EVER BEEN DISCHARGED FROM THE ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS? ☐ YES ☐ NO.
(If answer is "Yes," give details in item 28.)

15. EMPLOYMENT. (List ALL employment dates starting with your present employment. Give both month and year for all dates. Show ALL dates and addresses when unemployed. Give name under which employed if different from name now used.)

FROM	TO	NAME OF EMPLOYER (Firm or agency) AND SUPERVISOR (Full name, if known)	ADDRESS (Where employed)	TYPE OF WORK	REASON FOR LEAVING
3/81	12/81	President Ronald Reagan: In my position as Deputy Counsel to the President, I was supervised by Fred Fielding, Counsel to the President.	Old Executive Office Bldg., The White House	WFO Attorney	Appointment to current position
12/8 - present		Merit Systems Protection Board	1120 Vermont, N.W. Washington, D.C. WFO		Chairman

16. HAVE YOU EVER BEEN DISCHARGED (FIRED) FROM EMPLOYMENT FOR ANY REASON? ☐ YES ☐ NO.

17. HAVE YOU EVER RESIGNED (QUIT) AFTER BEING INFORMED THAT YOUR EMPLOYER INTENDED TO DISCHARGE (FIRE) YOU FOR ANY REASON? ☐ YES ☐ NO.
(If your answer to 16 or 17 above is "Yes" give details in item 28. Show the name and address of employer, approximate date, and reasons in each case. This information should agree with the statements made in item 15—EMPLOYMENT.)

18. HAVE YOU EVER BEEN ARRESTED, TAKEN INTO CUSTODY, HELD FOR INVESTIGATION OR QUESTIONING, OR CHARGED BY ANY LAW ENFORCEMENT AUTHORITY?
(You may omit: (1) Traffic violations for which you paid a fine of \$30 or less; and (2) anything that happened before your 16th birthday. All other incidents must be included, even though they were dismissed or you merely forfeited collateral.) ☐ YES ☐ NO.

IF YOUR ANSWER IS "YES," GIVE FULL DETAILS BELOW:

DATE

CHARGE

PLACE

LAW ENFORCEMENT
AUTHORITY

ACTION TAKEN

19. HAVE YOU EVER HAD A NERVOUS BREAKDOWN OR HAVE YOU EVER HAD MEDICAL TREATMENT FOR A MENTAL CONDITION? ☐ YES ☐ NO.
(If your answer is "Yes," give details in item 28.)

20. FOREIGN COUNTRIES VISITED (SINCE 1930). (Exclusive of military service.)

COUNTRY

DATE LEFT U.S.A.

DATE RETURNED U.S.A.

PURPOSE

(see attached sheet) -- Supplemental Sheet #1

21. ARE YOU NOW, OR HAVE YOU EVER BEEN, A MEMBER OF THE COMMUNIST PARTY, U.S.A., OR ANY COMMUNIST OR FASCIST ORGANIZATION? ☐ YES ☐ NO.

22. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY FOREIGN OR DOMESTIC ORGANIZATION, ASSOCIATION, MOVEMENT, GROUP, OR COMBINATION OF PERSONS WHICH IS TOTALITARIAN, FASCIST, COMMUNIST, OR SUBVERSIVE, OR WHICH HAS ADOPTED, OR SHOWS, A POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO DENY OTHER PERSONS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES, OR WHICH SEEKS TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS? ☐ YES ☐ NO.

23. IF YOUR ANSWER TO QUESTION 21 OR 22 ABOVE IS "YES," STATE THE NAMES OF ALL SUCH ORGANIZATIONS, ASSOCIATIONS, MOVEMENTS, GROUPS, OR COMBINATIONS OF PERSONS AND DATES OF MEMBERSHIP. IN ITEM 28 OR ON A SEPARATE SHEET TO BE ATTACHED TO AND MADE A PART OF THIS FORM, GIVE COMPLETE DETAILS OF YOUR ACTIVITIES THEREIN AND MAKE ANY EXPLANATION YOU DESIRE REGARDING YOUR MEMBERSHIP OR ACTIVITIES.

NAME IN FULL

ADDRESS

FROM

TO

OFFICE HELD

24. MEMBERSHIP IN OTHER ORGANIZATIONS. (List all organizations in which you are now a member or have been a member, except those which show religious or political affiliations.) (If none, so state.)

NAME IN FULL

ADDRESS

TYPE

FROM

TO

OFFICE HELD

(See Supplemental Sheets # 2 and 2(a))

25. RELATIVES. (Parents, spouse, divorced spouse, children, brothers, and sisters, living or dead. Name of spouse should include maiden name and any other names by previous marriage. If person is dead, state "dead" after relationship and furnish information for other columns as of time of death.)

RELATION

NAME IN FULL

YEAR OF BIRTH

ADDRESS

COUNTRY OF BIRTH

PRESENT CITIZENSHIP

(see attached sheet for new addresses and dates and places of birth)
Supplemental Sheet #1

also see additional SF-86

26a. REFERENCES. (Name three persons, not relatives or employers, who are aware of your qualifications and fitness.)

NAME IN FULL	HOME ADDRESS	BUSINESS ADDRESS	YEARS KNOWN
Joyce Keith	3169 Fairbury Lane, Fairfax, VA (703/273-2886)	MSPB, 1120 Vt. Ave., N.W., #826 Washington, D.C.	WFO 4 + (202/653-7114)
Verne Speirs	1421 Montague Dr., Vienna, VA (703/759-6576)	(same for all 3)	13 + (202/653-7115)
Richard Redenius	1025 Union Church Rd., McLean, VA (703/759-2713)		3 + (202/653-6142)

26b. CLOSE PERSONAL ASSOCIATES. (Name three persons, such as friends, schoolmates or colleagues, who know you well.)

NAME IN FULL	HOME ADDRESS	BUSINESS ADDRESS	YEARS KNOWN
MGen. Thomas K. Turnage	4100 Cathedral Ave., NW, #718 Washington, D.C. 20016	1023 31st St., NW Washington, DC 20435	WFO 16 (202/724-0447)
Col. Frank Salcedo	2834 Kelly Sq., Vienna, VA 22180 (703/255-9566)	1010 Wisc. Ave., NW, #330 Washington, DC 20007	16 (202/333-1080)
Dr. Vernon L. Grose	1101 S. Arlington Ridge Rd. #1117 Arlington, VA 22202	same	15 (703/685-0636)

27. TO YOUR KNOWLEDGE, HAVE YOU EVER BEEN THE SUBJECT OF A FULL FIELD OR BACKGROUND PERSONAL INVESTIGATION BY ANY AGENCY OF THE FEDERAL GOVERNMENT? ☒ YES ☐ NO. (If your answer is "Yes," show in item 28, (1) the name of the investigating agency (2) the approximate date of investigation, and (3) the level of security clearance granted, if known.)

28. SPACE FOR CONTINUING ANSWERS TO OTHER QUESTIONS. (Show item numbers to which answers apply. Attach a separate sheet if there is not enough space here.)

Item #27

FBI, 1981, equivalent to TOP SECRET (on a need to know basis). WFO

Items 20 and 25 on attached sheet -- Supplemental Sheet #1

Item 24 on Supplemental Sheets 2 and 2(a)

29. REPORT OF INFORMATION DEVELOPED. (This space reserved for FBI use.)

DATE:

Before signing this form check back over it to make sure you have answered all questions fully and correctly.

CERTIFICATION

I CERTIFY that the statements made by me on this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

False statement on this form
is punishable by law.

6/20/85
(DATE)

Walter E. Ellingwood
(SIGNATURE—Sign original and first carbon copy)

INFORMATION TO BE FURNISHED BY AGENCY

INSTRUCTIONS TO AGENCY: See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on when this form is required and how it is used. If this is a request for investigation before appointment, insert "APPL" in the space for Date of Appointment and show information about the proposed appointment in the other spaces for appointment data. The original and the first carbon copy should be signed by the applicant or appointee. Submit the original and the unsigned carbon copy of the form, Standard Form 87 (Fingerprint Chart), and any investigative information about the person received on voucher forms or otherwise, to the United States Civil Service Commission, Bureau of Personnel Investigations, Washington, D.C., 20415. If this is a request for full field security investigation, submit these forms to the attention of the Division of Reimbursable Investigations; if this is a request for preappointment national agency checks, submit these forms to the attention of the Control Section.

RETAIN THE CARBON COPY OF STANDARD FORM 87 (SIGNED BY THE APPLICANT OR APPOINTEE) FOR YOUR FILES

DATE OF APPOINTMENT	TYPE OF APPOINTMENT <input type="checkbox"/> EXCEPTED <input type="checkbox"/> COMPETITIVE (Include indefinite and temporary types of competitive appointments.)	CIVIL SERVICE REGULATION NUMBER OR OTHER APPOINTMENT AUTHORITY	TITLE OF POSITION AND GRADE OR SALARY
DEPARTMENT OR AGENCY	DUTY STATION	SEND RESULTS OF PREAPPOINTMENT CHECK TO:	
THIS IS A SENSITIVE POSITION		(SIGNATURE AND TITLE OF AUTHORIZED AGENCY OFFICIAL)	

Standard Form 88
AUGUST 1964
U.S. CIVIL SERVICE COMMISSION
(F.P.M. CHAPTER 7M)
84-107

SECURITY INVESTIGATION DATA
FOR SENSITIVE POSITION

CASE SERIAL NO. (CSC use only)

INSTRUCTIONS.—Prepare in triplicate, using a typewriter. Fill in all items. If the answer is "No" or "None," so state. If more space is needed for any item, continue under item 2A.

1. FULL NAME (Initials and abridgements of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(no given or middle name)"	(LAST NAME) Ellingwood	(FIRST NAME) Herbert	(MIDDLE NAME) Eugene	2. DATE OF BIRTH March 5, 1931			
	OTHER NAMES USED. (Maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Specify which, and show dates used.) None			3. PLACE OF BIRTH Ordway, Colorado			
				4. <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE			
				5. HEIGHT 5'10"	WEIGHT 180	COLOR EYES Blue	COLOR HAIR Blond

6. <input type="checkbox"/> SINGLE <input checked="" type="checkbox"/> MARRIED <input type="checkbox"/> WIDOW(ER) <input type="checkbox"/> DIVORCED	7. IF MARRIED, WIDOWED, OR DIVORCED, GIVE FULL NAME AND DATE AND PLACE OF BIRTH OF SPOUSE OR FORMER SPOUSE. INCLUDE WIFE'S MAIDEN NAME. GIVE DATE AND PLACE OF MARRIAGE OR DIVORCE. (Give same information regarding all previous marriages and divorces.) Audrey Alice Kesler; Cass, West Virginia; August 19, 1932; married April 13, 1957, Baltimore, Maryland
--	--

8. DATES AND PLACES OF RESIDENCE. (If actual places of residence differ from the mailing addresses, furnish and identify both. Begin with present and go back to January 1, 1937. Continue under item 2B on other side if necessary.)

FROM	TO	NUMBER AND STREET	CITY	STATE
8/79	Present	3523 Buckskin Court	Rocklin	California
4/74	8/79	7595 Auburn Folsom Road	Loomis	California
9/73	3/74	235 Macario Ct, #3	Roseville	California
6/73	9/73	2751 Paseo Rio Way	Sacramento	California
6/67	5/73	5401 Shelley Way	Carmichael	California
1/67	6/67	Various Apartments	Sacramento	California
1961	1966	18349 Almond Road	Castro Valley	California
1957	1960	41241 Roberts Avenue	Fremont	California
1942	1957	2 Maher Road	Watsonville	California
1937	1942	101 Highway	Aromas	California

9. <input checked="" type="checkbox"/> U.S. CITIZEN	<input checked="" type="checkbox"/> BY BIRTH	<input type="checkbox"/> NATURALIZED	ALIEN REGISTRATION NO.	DATE, PLACE, AND COURT
	CERT. NO.		PETITION NO.	
<input type="checkbox"/> ALIEN	<input type="checkbox"/> DERIVED-PARENTS CERT. NO(S).			
	REGISTRATION NO.	NATIVE COUNTRY	DATE AND PORT OF ENTRY	

10. EDUCATION. (All schools above elementary.)

NAME OF SCHOOL	ADDRESS	FROM (Year)	TO (Year)	DEGREES
Salinas Union High School	Salinas, Calif.	1945	1949	Diploma
Yale University	New Haven, Conn.	1949	1953	BA
Stanford Law School	Stanford, CA	1957	1960	LLB

11. THIS SPACE FOR FBI USE. (See also item 29.)

12. SOCIAL SECURITY NUMBER 726 09 4567

13. MILITARY SERVICE (Past or present)

SERIAL NO. (If none, give grade or rating at separation)	BRANCH OF SERVICE (Army, Navy, Air Force, etc.)	FROM (Yr.)	TO (Yr.)
First Lt.	Army	1953	1956

14. HAVE YOU EVER BEEN DISCHARGED FROM THE ARMED FORCES UNDER OTHER THAN HONORABLE CONDITIONS? ☐ YES ☒ NO.
(If answer is "Yes," give details in item 28.)

15. EMPLOYMENT. (List ALL employment dates starting with your present employment. Give both month and year for all dates. Show ALL dates and addresses when unemployed. Give name under which employed if different from name now used.)

<u>FROM</u>	<u>TO</u>	<u>NAME OF EMPLOYER (Firm or agency) AND SUPERVISOR (Full name, if known)</u>	<u>ADDRESS (Where employed)</u>	<u>TYPE OF WORK</u>	<u>REASON FOR LEAVING</u>
7/1979	Present	Caldwell & Toms	812 J Street Sacramento, CA	Attorney	Appointment
1/1975	6/79	California Attorney General	555 Capitol Mall Sacramento, CA	Attorney	Private Practice
2/69	12/74	California Governor	State Capitol Sacramento, CA	Attorney	Elections
11/66	1/69	State Bar of California	455 Capitol Mall Sacramento	Legislative Representative	To Governor's Office
6/60	10/66	District Attorney Alameda County	Courthouse, Oakland, CA	Attorney	To State Bar

16. HAVE YOU EVER BEEN DISCHARGED (FIRED) FROM EMPLOYMENT FOR ANY REASON? ☐ YES ☒ NO.

17. HAVE YOU EVER RESIGNED (QUIT) AFTER BEING INFORMED THAT YOUR EMPLOYER INTENDED TO DISCHARGE (FIRE) YOU FOR ANY REASON? ☐ YES ☒ NO.
(If your answer to 16 or 17 above is "Yes" give details in item 28. Show the name and address of employer, approximate date, and reasons in each case. This information should agree with the statements made in item 15—EMPLOYMENT.)

18. HAVE YOU EVER BEEN ARRESTED, TAKEN INTO CUSTODY, HELD FOR INVESTIGATION OR QUESTIONING, OR CHARGED BY ANY LAW ENFORCEMENT AUTHORITY?
(You may omit: (1) Traffic violations for which you paid a fine of \$30 or less; and (2) anything that happened before your 16th birthday. All other incidents must be included, even though they were dismissed or you merely forfeited collateral.) ☐ YES ☒ NO.

IF YOUR ANSWER IS "YES," GIVE FULL DETAILS BELOW:

<u>DATE</u>	<u>CHARGE</u>	<u>PLACE</u>	<u>LAW ENFORCEMENT AUTHORITY</u>	<u>ACTION TAKEN</u>
-------------	---------------	--------------	--------------------------------------	---------------------

19. HAVE YOU EVER HAD A NERVOUS BREAKDOWN OR HAVE YOU EVER HAD MEDICAL TREATMENT FOR A MENTAL CONDITION? ☐ YES ☒ NO.
(If your answer is "Yes," give details in item 28.)

20. FOREIGN COUNTRIES VISITED (SINCE 1930). (Exclusive of military service.)

COUNTRY	DATE LEFT U.S.A.	DATE RETURNED U.S.A.	PURPOSE
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See attachment A

21. ARE YOU NOW, OR HAVE YOU EVER BEEN, A MEMBER OF THE COMMUNIST PARTY, U.S.A., OR ANY COMMUNIST OR FASCIST ORGANIZATION? ☐ YES ☒ NO.

22. ARE YOU NOW OR HAVE YOU EVER BEEN A MEMBER OF ANY FOREIGN OR DOMESTIC ORGANIZATION, ASSOCIATION, MOVEMENT, GROUP, OR COMBINATION OF PERSONS WHICH IS TOTALITARIAN, FASCIST, COMMUNIST, OR SUBVERSIVE, OR WHICH HAS ADOPTED, OR SHOWS, A POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE OR VIOLENCE TO DENY OTHER PERSONS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES, OR WHICH SEEKS TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS? ☐ YES ☒ NO.

23. IF YOUR ANSWER TO QUESTION 21 OR 22 ABOVE IS "YES," STATE THE NAMES OF ALL SUCH ORGANIZATIONS, ASSOCIATIONS, MOVEMENTS, GROUPS, OR COMBINATIONS OF PERSONS AND DATES OF MEMBERSHIP. IN ITEM 28 OR ON A SEPARATE SHEET TO BE ATTACHED TO AND MADE A PART OF THIS FORM, GIVE COMPLETE DETAILS OF YOUR ACTIVITIES THEREIN AND MAKE ANY EXPLANATION YOU DESIRE REGARDING YOUR MEMBERSHIP OR ACTIVITIES.

NAME IN FULL	ADDRESS	FROM	TO	OFFICE HELD
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None

24. MEMBERSHIP IN OTHER ORGANIZATIONS. (List all organizations in which you are now a member or have been a member, except those which show religious or political affiliations.) (If none, so state.)

NAME IN FULL	ADDRESS	TYPE	FROM	TO	OFFICE HELD
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See attachment B

25. RELATIVES. (Parents, spouse, divorced spouse, children, brothers, and sisters, living or dead. Name of spouse should include maiden name and any other names by previous marriage. If person is dead, state "dead" after relationship and furnish information for other columns as of time of death.)

RELATION	NAME IN FULL	YEAR OF BIRTH	ADDRESS	COUNTRY OF BIRTH	PRESENT CITIZENSHIP
X Father	Harry Clifford Ellingwood	1900	Deceased	U. S.	Yes
SF Mother	Edith Arleene Ellingwood	1900	1763 GreenValleyRD Watsonville, CA	U. S.	Yes
AX/RH Wife	Audrey Alice Kesler	1932	3523 Buckskin Ct Rocklin, CA	U. S.	Yes
LA Son	Edwin Bruce Ellingwood	1963	3523 Buckskin Ct Rocklin, CA	U. S.	Yes
AX/RH Son	Thomas Barry Ellingwood	1967	3523 Buckskin Ct Rocklin, CA	U. S.	Yes
Sister	Juanita Ellingwood	1924	Deceased	U. S.	Yes
SF Sister	Pauline Nelson	1926	792 Echo Valley Rd Salinas, CA	U. S.	Yes
SF Sister	Mildred Chapman	1928	1763 GreenValleyRd Watsonville, CA	U. S.	Yes
SF Brother	Al Ellingwood	1935	1000 Highway 101 Aromas, CA	U. S.	Yes

26a REFERENCES (Name three persons, not relatives or employers, who are aware of your qualifications and fitness.)

NAME IN FULL	HOME ADDRESS	BUSINESS ADDRESS	YEARS KNOWN
Rev. Orville Easterly	1041 Audrey Way, Roseville	202 Bonita Ave. Roseville, CA	7
Walter Hanson	4633 Whitney Avenue, Sacramento, CA		20
Steven Merksamer	4700 Olive Oak Way, Carmichael	555 Capitol Mall	15

26b. CLOSE PERSONAL ASSOCIATES. (Name three persons, such as friends, schoolmates or colleagues, who know you well.)

NAME IN FULL	HOME ADDRESS	BUSINESS ADDRESS	YEARS KNOWN
Peter DeMauro	142 Gold Oak Circle, Folsom, CA	555 Capitol Mall Sacramento	6
Flo Snyder	326 Rio Grande, Sacramento, CA	555 Capitol Mall Sacramento	6
Kay Eldridge	3790 Oakdale Ct, Rocklin, CA	812 J Street, Sacramento	12

27. TO YOUR KNOWLEDGE, HAVE YOU EVER BEEN THE SUBJECT OF A FULL FIELD OR BACKGROUND PERSONAL INVESTIGATION BY ANY AGENCY OF THE FEDERAL GOVERNMENT? ☒ YES ☐ NO. (If your answer is "Yes," show in item 28, (1) the name of the investigating agency (2) the approximate date of investigation, and (3) the level of security clearance granted, if known.)

28. SPACE FOR CONTINUING ANSWERS TO OTHER QUESTIONS. (Show item numbers to which answers apply. Attach a separate sheet if there is not enough space here.)

#27 - Counter Intelligence, 1954; top secret

☒ REPORT OF INFORMATION DEVELOPED. (This space reserved for FBI use.)

DATE:

Before signing this form check back over it to make sure you have answered all questions fully and correctly.

CERTIFICATION

I CERTIFY that the statements made by me on this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

False statement on this form
is punishable by law.

3/11/81
(DATE)

Quentin E. Ellington
(SIGNATURE—Sign original and first carbon copy)

INFORMATION TO BE FURNISHED BY AGENCY

INSTRUCTIONS TO AGENCY: See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on when this form is required and how it is used. If this is a request for investigation before appointment, insert "APPL" in the space for Date of Appointment and show information about the proposed appointment in the other spaces for appointment data. The original and the first carbon copy should be signed by the applicant or appointee. Submit the original and the unsigned carbon copy of the form, Standard Form 87 (Fingerprint Chart), and any investigative information about the person received on voucher forms or otherwise, to the United States Civil Service Commission, Bureau of Personnel Investigations, Washington, D.C., 20415. If this is a request for full field security investigation, submit these forms to the attention of the Division of Reimbursable Investigations; if this is a request for preappointment national agency checks, submit these forms to the attention of the Control Section.

RETAIN THE CARBON COPY OF STANDARD FORM 86 (SIGNED BY THE APPLICANT OR APPOINTEE) FOR YOUR FILES

DATE OF APPOINTMENT	TYPE OF APPOINTMENT <input type="checkbox"/> EXCEPTED <input type="checkbox"/> COMPETITIVE (Include indefinite and temporary types of competitive appointments.)	CIVIL SERVICE REGULATION NUMBER OR OTHER APPOINTMENT AUTHORITY	TITLE OF POSITION AND GRADE OR SALARY
DEPARTMENT OR AGENCY	DUTY STATION	SEND RESULTS OF PREAPPOINTMENT CHECK TO:	
THIS IS A SENSITIVE POSITION			
(SIGNATURE AND TITLE OF AUTHORIZED AGENCY OFFICIAL)			

SUPPLEMENT TO SF-86
(Attach additional pages if necessary)

1. Please furnish the names and addresses of all corporations, firms or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with which you are presently associated or have been associated during the past five years either as officer, director, trustee, sole owner, partner or stockholder with controlling interest.

(See Supplemental Sheets #2 and 2(a))

2. Have you ever been a candidate for Federal, state or local elected office, or a treasurer or other officer of a political committee? Were there any complaints lodged with the Federal Election Commission or state or local election authorities against you or your political committee? If so, please explain.

Yes - Placer County Republican Central Committee, California - 1978
No complaints were ever lodged against me.

3. Do you maintain any residence other than your permanent residence; e.g., vacation home? If so, please furnish address.

My legal residence is: 5629 Maple Ridge Court
Rocklin, California 95677

SC

4. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please give full details.

None except in the course of regular governmental business wherein complaints have been made or suits filed, of which none have resulted in any actions against me. Congresswoman Patricia Schroeder (Colorado) chairs the Subcommittee overseeing MSPB and has initiated inquiries into my personal and activities. (See attached GAO letter dated 6/6/84 and questions for confirmation to my present position.) (over) governmental responses to the

5. To your knowledge have your activities or those of any of your business enterprises, or associates in those enterprises, ever been the subject of criminal investigation, or a civil enforcement investigation or proceeding? If so, please give full details.

None

6. Have you every been a party in any civil court action? If so, please give full details.

None except as in answer to question 4, this document.

I understand that the information being provided on this supplement to the SF-86 is to be considered part of the original SF-86 dated 6/20/85 and a false statement on this form is punishable by law.

Signed Walter E. Ellingwood

SUPPLEMENTAL SHEET # 1

Item #20

<u>COUNTRY</u>	<u>DATES</u>	<u>PURPOSE</u>
China	Oct. 31 - Nov. 15, 1982 Feb. 12 - 13, 1984	Tourist "
Costa Rica	Feb. 22 - 24, 1984	"
Hong Kong	Nov. 10 - 15, 1981 Nov. 15 - 17, 1982 Feb. 11 - 13, 1984 Mar. 14 - 16, 1985	" " " "
Indonesia	Feb. 16 - 18, 1984	"
Japan	Nov. 15 - 17, 1981	"
Korea	Nov. 6 - 10, 1981	"
Macau	Feb. 13, 1984	"
Singapore	Feb. 14 - 16, 1984	"
Taiwan	Feb. 9 - 11, 1984 Feb. 18 - 19, 1984 Mar. 10 - 14, 1985	" " "

Item #25

	<u>City & State of Birth</u>
X Father - Harry Clifford Ellingwood - July 29, 1900	Albia, Iowa
SF Mother - Edith Arleene Ellingwood - March 12, 1900 -	Ames, Kansas
Wife - Audrey Alice Kesler - Aug. 19, 1932 (new address: 6607 Briar Hill Court McLean, VA 22101) AX/RH	Cass, W.Va.
Son - Edwin Bruce Ellingwood - Nov. 17, 1963 (new address: 6242 Green Tavern Lane Yorba Linda, CA 92686) LA	Castro Valley, Calif.
Son - Thomas Barry Ellingwood - Mar. 18, 1967 (new address: 6607 Briar Hill Court McLean, VA 22101) AX/RH	Castro Valley, Calif.
X Sister - Juanita Ellingwood - July 19, 1924	LaJunta, Colorado
Sister - Pauline Nelson - Sept. 13, 1926 SF	" "
Sister - Mildred Chapman - Sept. 29, 1928 (new address: 1355 Independence Sq. Watsonville, CA 75076) SF	Ordway, Colorado
Brother - Al Ellingwood - Sept. 15, 1934 SF	Aromas, CA
Brother - Wayne Ellingwood - May 19, 1938 (new address: 2862 Cottonwood Orange, CA 92665) LA	" "

SUPPLEMENTAL SHEET # 2

Question 1, Supplement to SF-86

In addition to those affiliations listed in Question 24 of Form 86,
dated 3/11/81:

Foundation For Christian Youth Leadership (Board Member)
15816 Lazy Day Lane, Dumfries, VA 22026

Monte Vista Christian High School (Board Member)
2 School Way, Watsonville, CA 95076

CBN University (Regent)
Virginia Beach, VA 23463

Strawberries & Stuff (President)
5629 Maple Ridge Court, Rocklin, CA 95677

SC

Laws at Work (former Vice President)
5670 Wilshire Boulevard, Suite 2130, Los Angeles, CA 90036

Religious Heritage of America (Board Member)
7900 Jerome Avenue, St. Louis, Missouri 63143

Greater Washington Billy Graham Crusade (Secretary)
P.O. Box 39099, Washington, D.C. 20016

Here's Life Washington (Board Member)
3030 N. Fairfax Drive, Suite 314, Arlington, VA 22201

Full Gospel Businessmen's Fellowship International (Director)
3150 Bear Street, Costa Mesa, CA 92626

Caldwell & Toms (law firm -- former partner)
700 S. Flower Street, 15th Floor, Los Angeles, CA 90017

S.K. Sung, Inc. (former officer)
P.O. Box 24466, San Jose, CA 95154

SF

Nellie Gail #1 Associates (former partner)
24882 Buckboard, Laguna Hills, CA 92653

Giebel Petroleum and Investments (sometimes this is listed as a
partnership, but I am a very minor investor)
1 Marienfeld Place, Midland, Texas 79701

Shelbourne Estates Homeowners Association (former officer)
7575 Auburn-Folsom Road, Loomis, CA 95650

Sunrise Christian Schools (former trustee)
202 Bonita Avenue, Roseville, CA 95678

QUESTION 20:

Foreign Countries Visited	Dates	Purpose
Canada	1953, 1957, 1976	Tourist
Mexico - Many times to Tijuana; latest in 1978		
England, Scotland, Ireland, France, West Germany, Switzerland, Lichenstein, Belgium, Luxemburg, Netherlands, Sweden, Spain, Monte Carlo, Italy, Austria, Saar	1955, 1956	Tourist While in Military
Taiwan 4/2/79 - 4/9/79	4/13/79	Tourist
7/12/79 - 7/22/79	7/22/79	
3/1/80 - 3/6/80	3/7/80	
11/30/80 - 12/3/80	12/3/80	
2/28/81 - 3/5/81	3/9/81	
Philippines		
4/11/79 - 4/13/79	4/13/79	Tourist
2/28/80 - 3/1/80	3/7/80	
6/7/80 - 6/8/80	6/8/80	
3/5/81 - 3/6/81	3/9/81	
HongKong 4/9/79 - 4/11/79	4/13/79	Tourist
11/6/79 - 11/7/79	11/7/79	
3/6/80 - 3/7/80	3/7/80	
6/19/80 - 6/21/80	6/21/80	
Korea 10/25/79 - 10/28/79		Tourist
China October/November 1979	11/7/79	Tourist
6/8/80 - 6/19/80	6/21/80	
Singapore 3/6/81 - 3/9/81	3/9/81	Tourist

Question 24:

Membership in Other Organizations:

	Type	From - To	Office Held
State Bar of California 555 Franklin St., San Francisco	Professional	1960 to Present	Various Offices
American Bar Association 1800 M Street, N.W. Washington DC	"	1960 to Present	"
Sacramento County Bar Association 901 H Street, Sacramento, CA	"	1967 to Present	None
Placer County Bar Assn. 730 Sunrise Avenue, Roseville	"	1974 to Present	None
Christian Legal Society P. O. Box 2069, Oak Park, Ill.	"	1967 to Present	National President
Chabot College 2555 Hesperian Blvd., Hayward, CA	Education	Circa 1965	Instructor
Calif. Specialized Training Institute	Education	1972-1974	Member, Academic Bd
Oakland Junior Chamber of Commerce Oakland, CA	Civic	1960-1967	Various Committees
Alpha Foundation 22556 Gilmore St., Canoga Park, CA	Education	1972 - Present	Director
Institute of Continuing Studies, California State University Sacramento, CA	"	1976 - Present	Member, Advisory B
California Junior Statesmen of America Foundation 480 California Ave., Palo Alto CA	Education	1964 - Present	Various Offices

SUPPLEMENTAL SHEET # 2(a)

Continuation of Question 1, Supplement to SF-86

I am no longer a member of the following organizations listed in the above dated Form 86:

Sacramento County Bar Association
Sacramento, CA 95814

Placer County Bar Association
Roseville, CA 95678

Alpha Foundation
1101 S. Arlington Ridge Road, Suite 1117
Arlington, VA 22202

Institute of Continuing Studies, California State
University at Sacramento
Sacramento, CA 95825

I have not been an officer of the Christian Legal Society (P.O. Box 1492, Springfield, VA 22151) within the last 5 years, and am no longer an officer of Laws at Work (address previously listed).

The California Peace Officers' Association should have been listed in 1981; I am still a member (not an officer) of the organization. (12th & L, Sacramento, CA 95814)

AUTHORITY TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I hereby authorize any Special Agent or other authorized representative of the Federal Bureau of Investigation bearing this release, or copy thereof, within one year of its date, to obtain any information in your files pertaining to my educational records including, but not limited to, academic, achievement, attendance, athletic, personal history, and disciplinary records; employment records; law enforcement records (including, but not limited to any record of charge, prosecution, or conviction for criminal or civil offenses); and credit records, including credit card and payment device numbers. I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information is for the official use of the Federal Bureau of Investigation. Consent is granted for the FBI to furnish such information, as is described above, to third parties in the course of fulfilling its official responsibilities. I hereby release you, as the custodian of such records, and any school, college, university, or other educational institution, credit bureau or consumer reporting agency, retail business establishment, law enforcement agency, or criminal justice agency, including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at any time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below:

Full Name:

Herbert E. Ellingwood
Signature

Full Name:

HERBERT EUGENE ELLINGWOOD

Type or Print Name

Parent or Guardian
(if required):

Date:

June 20, 1985

Current
Address:

6607 Briar Hill Court

McLean, VA 22101

Telephone
Number:

703/734-6931

SPECIAL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

GPO 9-097-7-67

PV. 5/1/85)

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
INTERNAL ROUTING/ACTION SLIP

TO	TL #	ROOM	NAME/TITLE	TO	TL #	ROOM	NAME/TITLE
	233	5012	MR. REVELL		233	5131	MR. ASKEW
	233	5012	MR. GILBERT		233	5158	MISS BENDER
	231	3010	MR. CLARKE		233	5136	MISS BROWN
	231	3823	MR. HELTERHOFF		233	5136	MISS CARRITHERS
	242	4246	MR. KLEIN		233	5136	MISS COCCITTO
	231	3076	MR. MC WEENEY		233	5136	MISS DENISON
	233	5155	MR. O'CONNOR		233	5158	MRS. EARNSHAW
	233	5030	MR. O'HARA		233	5158	MR. ESCOBEDO
	233	5121	MR. POMERANTZ		233	5131	MRS. GRENKE
	233	5129	MR. MILLER		233	5158	MRS. GAUL
	233	5129	MR. MURPHY		233	5136	MR. GUALDONI
					233	5131	MR. GUTHRIE
	233	5155	MR. DOMZALSKI		233	5136	MISS JACKSON
	233	5161	MR. ETHRIDGE		233	5136	MR. KENNEDY
	233	5131	MR. LANGFORD		233	5131	MISS KONIK
	233	5136	MR. NOLAN		233	5136	MR. LEACH
					233	5131	MRS. MC CULLOUGH
	233	5131	MR. CHRISTY		233	5136	MR. NATALINE
	233	5136	MR. GANZMILLER		233	5158	MR. REID
	233	5161	MR. LOWE		233	5158	MISS RENELL
	233	5131	MR. LUECKENHOFF		233	5158	MRS. RODRIQUE
	233	5131	MR. MC CORMICK		233	5158	MISS TROLL
	233	5161	MR. VAN DERSLICE		233	5136	MISS VANDE STOUWE
	233	5131	MR. WILLIS		233	5027	EXTRA-DUTY DESK
	233	5131	MR. YORK		233	6247	TELETYPE ROOM
					153	1B 327	MAIL ROOM
	233	5121	ADMINISTRATIVE UNIT		245	7222	CONGRESSIONAL AFFAIRS UNIT
					244	6248	READING ROOM
	233	5012	MISS WALDRON		153	1262	VOUCHER
	233	5012	MRS. ROHAN		244	6437	INFORMATION DESK
	233	5155	MISS GOSELIN		244	4645	SERVICE UNIT
	233	5155	MRS. TALERICO		111	4336c	RECORDS BRANCH
							OPEN FILE
			ADVISE ALL PERSONNEL				WFO
			ADVISE ALL AGENTS	J-1 121	11262B 4989		MRS. RETTBURG MRS. GASIEWICZ

- | | |
|---|---|
| <input type="checkbox"/> Call Me | <input type="checkbox"/> For Your Info. |
| <input type="checkbox"/> See Me | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Approp. Action | <input type="checkbox"/> Record & Return |
| <input type="checkbox"/> Initial | <input type="checkbox"/> See Reverse Side |
| <input type="checkbox"/> Per Inquiry | |

Remarks:

SA
SQUAD A1

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Third Party

FROM

CIVIL RIGHTS AND SPECIAL INQUIRY SECTION
CRIMINAL INVESTIGATIVE DIVISION

Room

TL #

Phone

Date

FBI/DOJ

1 8

JUNE 29, 1985

UNCLAS

PRIORITY

FM DIRECTOR FBI {161-15392}
TO FBI WASHINGTON FIELD {161-14852} PRIORITY
FBI ALEXANDRIA {161B-7785} PRIORITY
FBI LOS ANGELES PRIORITY
FBI PITTSBURGH PRIORITY
FBI RICHMOND PRIORITY
FBI SACRAMENTO {161B-785} PRIORITY
FBI SAN FRANCISCO {161B-3605} PRIORITY

BT

UNCLAS

SECTION 1 OF 2

ENCLOSURE FOR WFO FORWARDED BSM.

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85
WITHOUT FAIL. {B}

THE BUREAU HAS BEEN REQUESTED TO CONDUCT AN EXPEDITE
UPDATE INVESTIGATION OF ELLINGWOOD FOR PRESIDENTIAL APPOINTMENT
AS ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL POLICY.

JLE:TLT

6/29/85

5161

4228

RETURN TO ROOM 5161

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b7C
Third Party

JUL 1 1985

161-14852-6

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 1 1985	
FBI OFFICE	

KE

DEPARTMENT OF JUSTICE, WASHINGTON, D. C., WHICH REQUIRES SENATE CONFIRMATION. HANDLE THIS INVESTIGATION AS A SPIN BUT FOLLOW DAPLI REPORTING RULES AND SUBMIT A REPORT TO FBIHQ BY BUDED FOR FORWARDING TO THE WHITE HOUSE.

ALL OFFICES: 161 INVESTIGATION CONDUCTED APRIL, 1981;
UPDATE FROM THAT POINT.

INTERVIEW PRESIDENTS OF LOCAL BARS, ATTORNEYS WHO HAVE OPPOSED APPLICANT, ATTORNEYS, MINORITY AND ETHNIC REPRESENTATIVES, AND APPROPRIATE LAW ENFORCEMENT OFFICIALS, AS WELL AS FEDERAL, STATE AND LOCAL JUDGES. IF APPLICANT HAD HISTORY OF FINANCIAL TROUBLE, ASSURE THAT APPROPRIATE RECORDS ARE CHECKED FOR LOCAL AND STATE TAX LIENS OUTSTANDING AGAINST HIM. ALSO, IF APPOINTEE OWNS REAL PROPERTY, DETERMINE WHETHER PROPERTY ENCUMBERED WITH ANY COVENANTS PERTAINING TO RACE, CREED, COLOR, OR RELIGION THROUGH A REVIEW OF THE COUNTY RECORDER OF DEEDS RECORDS.

WHERE APPROPRIATE, VERIFY ADMISSION TO STATE AND LOCAL BARS, AND CHECK GRIEVANCE COMMITTEE RECORDS. ALSO CHECK NEWSPAPER MORGUES FOR ANY PERTINENT INFORMATION.

APPOINTEE WILL BE REQUIRED TO MAKE DECISIONS CONCERNING

POLICY AND PERSONNEL MATTERS; THEREFORE, DURING INTERVIEWS, DETERMINE IF APPOINTEE HAS EXPRESSED OR MANIFESTED ANY BIAS OR PREJUDICE AGAINST ANY CLASS OF CITIZEN, OR ANY RELIGIOUS, RACIAL OR ETHNIC GROUP.

BUREAU DEADLINE AS SET FORTH ABOVE MEANS THE REPORT MUST BE RECEIVED AT THE BUREAU ON THAT DATE OR PRIOR THERETO.

BORN MARCH 5, 1931, IN ORDWAY, COLORADO, AND HAS SSAN 726-09-4567.

RESIDENCES: AUGUST, 1979, TO JULY, 1981, 3523 BUCKSKIN COURT, ROCKLIN, CALIFORNIA; JULY, 1981, TO THE PRESENT, 6607 BRIAR HILL COURT, MC LEAN, VIRGINIA; LEGAL RESIDENCE: 5629 MAPLE RIDGE COURT, ROCKLIN, CALIFORNIA.

EMPLOYMENT: MARCH, 1981, TO DECEMBER, 1981, THE WHITE HOUSE, DEPUTY COUNSEL TO THE PRESIDENT, FRED FIELDING {SUPERVISOR}, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C.; DECEMBER, 1981, TO THE PRESENT, MERIT SYSTEMS PROTECTION BOARD, 1120 VERMONT AVENUE, N. W., WASHINGTON, D. C., CHAIRMAN.

RELATIVES: FATHER {DECEASED}, HARRY CLIFFORD ELLINGWOOD, BORN JULY 29, 1900, IN ALBIA, IOWA; MOTHER, EDITH ARLEENE ELLINGWOOD, BORN MARCH 12, 1900, IN AMES, KANSAS, RESIDES 1763

GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA; SPOUSE, AUDREY ALICE KESLER, BORN AUGUST 19, 1932, IN CASS, WEST VIRGINIA, RESIDES 6607 BRIAR HILL COURT, MC LEAN, VIRGINIA; SON, EDWIN BRUCE ELLINGWOOD, BORN NOVEMBER 17, 1963, IN CASTRO VALLEY, CALIFORNIA, RESIDES 6242 GREEN TAVERN LANE, YORBA LINDA, CALIFORNIA; SON, THOMAS BARRY ELLINGWOOD, BORN MARCH 18, 1967, IN CASTRO VALLEY, CALIFORNIA, RESIDES WITH APPOINTEE AND SPOUSE; SISTER {DECEASED}, JUANITA ELLINGWOOD, BORN JULY 19, 1924, IN LA JUNTA, COLORADO; SISTER, PAULINE NELSON, BORN SEPTEMBER 13, 1926, IN LA JUNTA, COLORADO, RESIDES 792 ECHO VALLEY ROAD, SALINAS, CALIFORNIA; SISTER, MILDRED CHAPMAN, BORN SEPTEMBER 29, 1928, IN ORDWAY, COLORADO, RESIDES 1355 INDEPENDENCE SQUARE, WATSONVILLE, CALIFORNIA; BROTHER, AL ELLINGWOOD, BORN SEPTEMBER 15, 1934, IN AROMAS, CALIFORNIA, RESIDES 1000 HIGHWAY 101, AROMAS, CALIFORNIA; BROTHER, WAYNE ELLINGWOOD, BORN MAY 19, 1938, IN AROMAS, CALIFORNIA, RESIDES 2862 COTTONWOOD, ORANGE, CALIFORNIA.

REFERENCES AND ASSOCIATES: JOYCE KEITH, MERIT SYSTEMS PROTECTION BOARD {MSPB}, 1120 VERMONT AVENUE, N. W., NO. 826, WASHINGTON, D. C., {202}653-7114; VERNE SPEIRS, MSPB,

{202}653-7115; RICHARD REDENIUS, MSPB, {202}653-6842; MAJOR GENERAL THOMAS K. TURNAGE, 1023 31ST STREET, N. W., WASHINGTON, D. C., {202}724-0447; COLONEL FRANK SALCEDO, 1010 WISCONSIN AVENUE, N. W., NO. 330, WASHINGTON, D. C., {202}333-1080; DR. VERNON L. GROSE, 1101 S. ARLINGTON RIDGE ROAD, NO. 1117, ARLINGTON, VIRGINIA, {703}685-0636.

CLEARANCES: FBI, 1981, EQUIVALENT TO TOP SECRET {ON A NEED TO KNOW BASIS}.

WASHINGTON FIELD CHECK OFFICE OF SPECIAL COUNSEL AND OFFICE OF REVIEW AND APPEALS AT MERIT SYSTEMS PROTECTION BOARD, CHECK OFFICE OF PUBLIC INTEGRITY AND OFFICE OF PROFESSIONAL RESPONSIBILITY AT DEPARTMENT OF JUSTICE, AND DETERMINE SECURITY CLEARANCE. ALSO, AT U. S. GENERAL ACCOUNTING OFFICE, REVIEW FILES "INQUIRY INTO ALLEGATIONS AGAINST THE CHAIRMAN, MERIT SYSTEMS PROTECTION BOARD {GAO/AFMD-84-65}", AND DETERMINE OUTCOME OF INQUIRY. FURTHER, INTERVIEW CONGRESSWOMAN PATRICIA SCHROEDER, CHAIRWOMAN, SUBCOMMITTEE ON CIVIL SERVICE, HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., CONCERNING THIS INQUIRY. DETERMINE IF SHE CONCURS WITH THE GAO CONCLUSIONS AND IF THERE ARE CURRENTLY ANY ALLEGATIONS AGAINST MR. ELLINGWOOD.

WASHINGTON FIELD ALSO CONTACT REPRESENTATIVES FROM THE FOLLOWING AGENCIES OR ORGANIZATIONS TO OBTAIN COMMENTS CONCERNING APPOINTEE'S CHARACTER, ETHICS, AND SUITABILITY: EMPLOYMENT STANDARDS ADMINISTRATION, FAIR LABOR STANDARDS DIVISION, AND WAGE APPEALS BOARD, U. S. DEPARTMENT OF LABOR, 200 CONSTITUTION AVENUE, N. W., WASHINGTON, D. C.; FEDERAL LABOR RELATIONS AUTHORITY, 500 C STREET, S. W., WASHINGTON, D. C.; FEDERAL GOVERNMENT SERVICE TASK FORCE, HOUSE OFFICE BUILDING ANNEX, WASHINGTON, D. C., 226-2494; AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, 1325 MASSACHUSETTS AVENUE, N. W., WASHINGTON, D. C., 737-8700; NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, 2139 WISCONSIN AVENUE, N. W., WASHINGTON, D. C., 965-4411; NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH STREET, N. W., WASHINGTON, D. C., 862-4400; PEOPLE FOR THE AMERICAN WAY, 1015 18TH STREET, N. W., WASHINGTON, D. C., 822-9450, ANTHONY T. PODESTA, EXECUTIVE DIRECTOR.

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JUNE 29, 1985

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PRIORITY

FM DIRECTOR FBI {161-15392}
TO FBI WASHINGTON FIELD {161-14852} PRIORITY
FBI ALEXANDRIA {161B-7785} PRIORITY
FBI LOS ANGELES PRIORITY
FBI PITTSBURGH PRIORITY
FBI RICHMOND PRIORITY
FBI SACRAMENTO {161B-785} PRIORITY
FBI SAN FRANCISCO {161B-3605} PRIORITY

BT

UNCLAS

SECTION 2 OF 2

ENCLOSURE FOR WFO FORWARDED BSM.

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85
WITHOUT FAIL. {B}

SACRAMENTO VERIFY APPOINTEE'S POSITION AT STRAWBERRIES AND
STUFF, ROCKLIN, CALIFORNIA, AND DETERMINE NATURE OF BUSINESS.
ALSO VERIFY LEGAL RESIDENCE IN ROCKLIN, CALIFORNIA, AND CONDUCT

JLE:TLT

6/29/85

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RETURN TO



ROOM 5161

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Third Party

8
APPROPRIATE CREDIT AND ARREST CHECKS.

WASHINGTON FIELD, AS PRINCIPLE OFFICE, INSURE AT LEAST 25
PERSONS KNOWLEDGEABLE CONCERNING APPOINTEE ARE INTERVIEWED.

INVESTIGATION SHOULD RECEIVED PRIORITY ATTENTION AND
RECEIVING OFFICES SHOULD TELEPHONICALLY ADVISE FBIHQ OF ANY
DEROGATORY INFORMATION DEVELOPED.

SF 86 AND RECORDS RELEASE FOLLOW BY AIRTEL.

DUE TO URGENT NATURE OF REQUEST IT IS IMPERATIVE BUDED BE
MET WITHOUT FAIL.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAU/STP/cld

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INBOX.9 (#4651)

TEXT:

VZCZCHQ0093

PP AX LA PG RH SC SF WF

DE HQ #0093 1811315

ZNR UUUUU

P 292131Z JUN 85

FM DIRECTOR FBI (161-15392)

TO FBI WASHINGTON FIELD (161-14852) PRIORITY

FBI ALEXANDRIA (161B-7785) PRIORITY

FBI LOS ANGELES PRIORITY

FBI PITTSBURGH PRIORITY

FBI RICHMOND PRIORITY

FBI SACRAMENTO (161B-785) PRIORITY

FBI SAN FRANCISCO (161B-3605) PRIORITY

BT

UNCLAS

SECTION 1 OF 2

ENCLOSURE FOR WFO FORWARDED BSM.

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85

WITHOUT FAIL. (B)

THE BUREAU HAS BEEN REQUESTED TO CONDUCT AN EXPEDITE

UPDATE INVESTIGATION OF ELLINGWOOD FOR PRESIDENTIAL APPOINTMENT.

AS ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL POLICY

161-14852-
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161-14852-6

JUN 20 11 10 PM '85
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PAGE TWO DE HQ 0093 UNCLAS

DEPARTMENT OF JUSTICE, WASHINGTON, D. C., WHICH REQUIRES SENATE CONFIRMATION. HANDLE THIS INVESTIGATION AS A SPIN BUT FOLLOW DAPLI REPORTING RULES AND SUBMIT A REPORT TO FBIHQ BY BUDED FOR FORWARDING TO THE WHITE HOUSE.

ALL OFFICES: 161 INVESTIGATION CONDUCTED APRIL, 1981, UPDATE FROM THAT POINT.

INTERVIEW PRESIDENTS OF LOCAL BARS, ATTORNEYS WHO HAVE OPPOSED APPLICANT, ATTORNEYS, MINORITY AND ETHNIC REPRESENTATIVES, AND APPROPRIATE LAW ENFORCEMENT OFFICIALS, AS WELL AS FEDERAL, STATE AND LOCAL JUDGES. IF APPLICANT HAD HISTORY OF FINANCIAL TROUBLE, ASSURE THAT APPROPRIATE RECORDS ARE CHECKED FOR LOCAL AND STATE TAX LIENS OUTSTANDING AGAINST HIM. ALSO, IF APPOINTEE OWNS REAL PROPERTY, DETERMINE WHETHER PROPERTY ENCUMBERED WITH ANY COVENANTS PERTAINING TO RACE, CREED, COLOR, OR RELIGION THROUGH A REVIEW OF THE COUNTY RECORDER OF DEEDS RECORDS.

WHERE APPROPRIATE, VERIFY ADMISSION TO STATE AND LOCAL BARS, AND CHECK GRIEVANCE COMMITTEE RECORDS. ALSO CHECK NEWSPAPER MORGUES FOR ANY PERTINENT INFORMATION.

APPOINTEE WILL BE REQUIRED TO MAKE DECISIONS CONCERNING

161-14852-6

llh

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10/1/81 BY SP-6

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POLICY AND PERSONNEL MATTERS; THEREFORE, DURING INTERVIEWS, DETERMINE IF APPOINTEE HAS EXPRESSED OR MANIFESTED ANY BIAS OR PREJUDICE AGAINST ANY CLASS OF CITIZEN, OR ANY RELIGIOUS, RACIAL OR ETHNIC GROUP.

BUREAU DEADLINE AS SET FORTH ABOVE MEANS THE REPORT MUST BE RECEIVED AT THE BUREAU ON THAT DATE OR PRIOR THERETO.

BORN MARCH 5, 1931, IN ORDWAY, COLORADO, AND HAS SSAN 726-09-4567.

RESIDENCES: AUGUST, 1979, TO JULY, 1981, 3523 BUCKSKIN COURT, ROCKLIN, CALIFORNIA; JULY, 1981, TO THE PRESENT, 6607 BRIAR HILL COURT, MC LEAN, VIRGINIA; LEGAL RESIDENCE: 5629 MAPLE RIDGE COURT, ROCKLIN, CALIFORNIA.

EMPLOYMENT: MARCH, 1981, TO DECEMBER, 1981, THE WHITE HOUSE, DEPUTY COUNSEL TO THE PRESIDENT, FRED FIELDING (SUPERVISOR), OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, D. C., DECEMBER, 1981, TO THE PRESENT, MERIT SYSTEMS PROTECTION BOARD, 1120 VERMONT AVENUE, N. W., WASHINGTON, D. C., CHAIRMAN.

RELATIVES: FATHER (DECEASED), HARRY CLIFFORD ELLINGWOOD, BORN JULY 29, 1900, IN ALBIA, IOWA; MOTHER, EDITH ARLEENE ELLINGWOOD, BORN MARCH 12, 1900, IN AMES, KANSAS, RESIDES 1763

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PAGE FOUR DE HQ 0093 UNCLAS

GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA; SPOUSE, AUDREY ALICE KESLER, BORN AUGUST 19, 1932, IN CASS, WEST VIRGINIA, RESIDES 6607 BRIAR HILL COURT, MC LEAN, VIRGINIA; SON, EDWIN BRUCE ELLINGWOOD, BORN NOVEMBER 17, 1963, IN CASTRO VALLEY, CALIFORNIA, RESIDES 6242 GREEN TAVERN LANE, YORBA LINDA, CALIFORNIA; SON, THOMAS BARRY ELLINGWOOD, BORN MARCH 18, 1967, IN CASTRO VALLEY, CALIFORNIA, RESIDES WITH APPOINTEE AND SPOUSE; SISTER (DECEASED), JUANITA ELLINGWOOD, BORN JULY 19, 1924, IN LA JUNTA, COLORADO; SISTER, PAULINE NELSON, BORN SEPTEMBER 13, 1926, IN LA JUNTA, COLORADO, RESIDES 792 ECHO VALLEY ROAD, SALINAS, CALIFORNIA; SISTER, MILDRED CHAPMAN, BORN SEPTEMBER 29, 1928, IN ORDWAY, COLORADO, RESIDES 1355 INDEPENDENCE SQUARE, WATSONVILLE, CALIFORNIA; BROTHER, AL ELLINGWOOD, BORN SEPTEMBER 15, 1934, IN AROMAS, CALIFORNIA, RESIDES 1000 HIGHWAY 101, AROMAS, CALIFORNIA; BROTHER, WAYNE ELLINGWOOD, BORN MAY 19, 1938, IN AROMAS, CALIFORNIA, RESIDES 2862 COTTONWOOD, ORANGE, CALIFORNIA.

REFERENCES AND ASSOCIATES: JOYCE KEITH, MERIT SYSTEMS PROTECTION BOARD (MSPB), 1120 VERMONT AVENUE, N. W., NO. 826, WASHINGTON, D. C., (202)653-7114; VERNE SPEIRS, MSPB,

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PAGE FIVE DE HQ 0093 UNCLAS

(202)653-7115; RICHARD REDENIUS, MSPB, (202)653-6842; MAJOR GENERAL THOMAS K. TURNAGE, 1023 31ST STREET, N. W., WASHINGTON, D. C., (202)724-0447; COLONEL FRANK SALCEDO, 1010 WISCONSIN AVENUE, N. W., NO. 330, WASHINGTON, D. C., (202)333-1080; DR. VERNON L. GROSE, 1101 S. ARLINGTON RIDGE ROAD, NO. 1117, ARLINGTON, VIRGINIA, (703)685-0636.

CLEARANCES: FBI, 1981, EQUIVALENT TO TOP SECRET (ON A NEED TO KNOW BASIS).

WASHINGTON FIELD CHECK OFFICE OF SPECIAL COUNSEL AND OFFICE OF REVIEW AND APPEALS AT MERIT SYSTEMS PROTECTION BOARD, CHECK OFFICE OF PUBLIC INTEGRITY AND OFFICE OF PROFESSIONAL RESPONSIBILITY AT DEPARTMENT OF JUSTICE, AND DETERMINE SECURITY CLEARANCE. ALSO, AT U. S. GENERAL ACCOUNTING OFFICE, REVIEW FILES "INQUIRY INTO ALLEGATIONS AGAINST THE CHAIRMAN, MERIT SYSTEMS PROTECTION BOARD (GAO/AFMD-84-65)", AND DETERMINE OUTCOME OF INQUIRY. FURTHER, INTERVIEW CONGRESSWOMAN PATRICIA SCHROEDER, CHAIRWOMAN, SUBCOMMITTEE ON CIVIL SERVICE, HOUSE OF REPRESENTATIVES, WASHINGTON, D. C., CONCERNING THIS INQUIRY. DETERMINE IF SHE CONCURS WITH THE GAO CONCLUSIONS AND IF THERE ARE CURRENTLY ANY ALLEGATIONS AGAINST MR. ELLINGWOOD.

10/10/84 60

WASHINGTON FIELD ALSO CONTACT REPRESENTATIVES FROM THE FOLLOWING AGENCIES OR ORGANIZATIONS TO OBTAIN COMMENTS CONCERNING APPOINTEE'S CHARACTER, ETHICS, AND SUITABILITY: EMPLOYMENT STANDARDS ADMINISTRATION, FAIR LABOR STANDARDS DIVISION, AND WAGE APPEALS BOARD, U. S. DEPARTMENT OF LABOR, 200 CONSTITUTION AVENUE, N. W., WASHINGTON, D. C.; FEDERAL LABOR RELATIONS AUTHORITY, 500 C STREET, S. W., WASHINGTON, D. C.; FEDERAL GOVERNMENT SERVICE TASK FORCE, HOUSE OFFICE BUILDING ANNEX, WASHINGTON, D. C., 226-2494; AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO, 1325 MASSACHUSETTS AVENUE, N. W., WASHINGTON, D. C., 737-8700; NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, 2139 WISCONSIN AVENUE, N. W., WASHINGTON, D. C., 965-4411; NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH STREET, N. W., WASHINGTON, D. C., 862-4400; PEOPLE FOR THE AMERICAN WAY, 1015 18TH STREET, N. W., WASHINGTON, D. C., 822-9450, ANTHONY T. PODESTA, EXECUTIVE DIRECTOR.

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INBOX.10 (#4652)

TEXT:

VZCZCHQ0094

PP AX LA PG RH SC SF WF

DE HQ #0094 1811145

ZNR UUUUU

P 292131Z JUN 85

FM DIRECTOR FBI (161-15392)

TO FBI WASHINGTON FIELD (161-14852) PRIORITY

FBI ALEXANDRIA (161B-7785) PRIORITY

FBI LOS ANGELES PRIORITY

FBI PITTSBURGH PRIORITY

FBI RICHMOND PRIORITY

FBI SACRAMENTO (161B-785) PRIORITY

FBI SAN FRANCISCO (161B-3605) PRIORITY

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UNCLAS

SECTION 2 OF 2

ENCLOSURE FOR WFO FORWARDED BSM.

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85

WITHOUT FAIL. (B)

SACRAMENTO VERIFY APPOINTEE'S POSITION AT STRAWBERRIES AND
STUFF, ROCKLIN, CALIFORNIA, AND DETERMINE NATURE OF BUSINESS.

ALSO VERIFY LEGAL RESIDENCE IN ROCKLIN, CALIFORNIA, AND CONDUCT

JUN 23 11 03 PM '85

161-14852 -
16

PAGE TWO DE HQ 0094 UNCLAS

APPROPRIATE CREDIT AND ARREST CHECKS.

WASHINGTON FIELD, AS PRINCIPLE OFFICE, INSURE AT LEAST 25
PERSONS KNOWLEDGEABLE CONCERNING APPOINTEE ARE INTERVIEWED.

INVESTIGATION SHOULD RECEIVED PRIORITY ATTENTION AND
RECEIVING OFFICES SHOULD TELEPHONICALLY ADVISE FBIHQ OF ANY
DEROGATORY INFORMATION DEVELOPED.

SF 86 AND RECORDS RELEASE FOLLOW BY AIRTEL:

DUE TO URGENT NATURE OF REQUEST IT IS IMPERATIVE BUDED BE
MET WITHOUT FAIL.

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7/3/85

FM: SAC, WASHINGTON FIELD (161-14852) (A-1)

TO: FBI, INDIANAPOLIS (PRIORITY)

FBI, LOS ANGELES (PRIORITY)

BT

UNCLAS

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85
WITHOUT FAIL (B)

RE BUREAU TELETYPE TO LOS ANGELES DATED 6/29/85.

THE BUREAU HAS BEEN REQUESTED TO CONDUCT AN
EXPEDITE UPDATE INVESTIGATION OF ELLINGWOOD FOR PRESIDENTIAL
APPOINTMENT AS ASSISTANT ATTORNEY GENERAL FOR THE OFFICE
OF LEGA POLICY, DEPARTMENT OF JUSTICE, WASHINGTON, D.C.,
WHCIH REQUIRES SENATE CONFIRMATION. HANDLE THIS INVESTI-
GATION AS A SPIN BUT FOLLOW DAPLI REPORTING RULES AND SUBMIT
A REPORT TO FBIHQ BY BUDED FOR FOWARDING TO THE WHITE HOUSE.
A 161 INVESTIGATION WAS CONDUCTED ON APRIL, 1981, UPDATE

2-WFO

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(2)

161-14852-7

Searched _____

Serialized

Indexed _____

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PAGE TWO DE WFO #0023 UNCLAS

FROM THAT POINT.

APPOINTEE WILL BE REQUIRED TO MAKE DECISIONS CONCERNING POLICY AND PERSONNEL MATTERS; THEREFORE, DURING INTERVIEWS, DETERMINE IF APPOINTEE HAS EXPRESSED OR MANIFESTED ANY BIAS OR PREJUDICE AGAINST ANY CLASS OF CITIZEN, OR ANY RELIGIOUS, RACIAL OR ETHNIC GROUP.

BUREAU DEADLINE IS SET FORTH ABOVE MEANS THE REPORT MUST BE RECEIVED AT THE BUREAU ON THAT DATE OR PRIOR THERE TOO.

BORN MARCH 5, 1931, IN ORDWAY, COLORADO, AND HAS SOCIAL SECURITY NUMBER 726-09-4567.

ON JULY 3, 1985, INVESTIGATION BEING CONDUCTED BY WASHINGTON FIELD REVEALED THE FOLLOWING NAMES AS HAVING KNOWLEDGE ABOUT THE APPOINTEE.

LEADS. INDIANAPOLIS AT INDIANAPOLIS, INDIANA. LOCATE AND CONDUCT APPROPRIATE INTERVIEW ON PETER RUSTHOVEN, IN CARE OF EARNS AND THORNBURG, 1313 MERCHANTS BANK BOULEVARD, INDIANAPOLIS, INDIANA.

LOS ANGELES DIVISION AT LOS ANGELES, CALIFORNIA.

PAGE THREE DE WFO #0023 UNCLAS

LOCATE AND CONDUCT APPROPRIATE INTERVIEW ON WILLIAM
FRENCH SMITH, CURRENT TELEPHONE NUMBER 213-229-7560.
TELEPHONE NUMBER IS LOCATED IN LOS ANGELES, CALIFORNIA
AND IT IS NOT KNOWN IF THAT IS A HOME OR WORK NUMBER.

INVESTIGATION SHOULD RECEIVE PRIORITY ATTENTION
AND RECEIVING OFFICES SHOULD TELEPHONICALLY ADVISE
FBIHQ OF ANY DEROGATORY INFORMATION DEVELOPED.

DUE TO URGENT NATURE OF REQUEST, IT IS IMPERATIVE
BUDED BE MADE WITHOUT FAIL.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

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TEXT: VZCZCHQ0220

PP AFO

DE HQ #0220 1850405

ZNR UUUUU

P 032059Z JUL 85

FM DIRECTOR FBI

TO ALL FBI FIELD OFFICES PRIORITY

BT

UNCLAS

CHANGED: HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY,

BUDED: 7/17/85, WITHOUT FAIL. (B).

TITLE MARKED "CHANGED" TO INDICATE CHANGE IN BUDED FROM
7/10/85, TO 7/17/85, AS INDICATED ABOVE.

REFERENCE BUREAU TELETYPE DATED 6/29/85, TO ALL
OFFICES.

ALL OFFICES ARE REMINDED TO FOLLOW DAPLI REPORTING
RULES AND TO SUBMIT A REPORT SUITABLE FOR DISSEMINATION TO
THE WHITE HOUSE.

DUE TO URGENT NATURE OF REQUEST IT IS IMPERATIVE
BE MET WITHOUT FAIL.

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DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

ORIGINAL

TEXT: VZCZCNY0150

PP HQ AFO

DE NY #0150 1922318

ZNY UUUUU

R 112229Z JUL 85

FM FBI NEW YORK (161-B-R583) (RUC) (A-4)

TO DIRECTOR FBI PRIORITY

ALL FBI FIELD OFFICE PRIORITY

BT

UNCLAS

HERBERT EUGENE ELLINGWOOD; SPECIAL INQUIRY; BUDED: JULY 10, 1985

REBUTEL TO ALL FIELD OFFICES, JUNE 30, 1985.

A REVIEW OF NEW YORK GENERAL INDICES ON JULY 8, 1985, REVEALED
NO IDENTIFIABLE INFORMATION REGARDING APPOINTEE OR MEMBERS OF THE
FAMILY.

A CHECK OF ELSUR INDICES ON JULY 9, 1985, BY SUPPORT EMPLOYEE

[REDACTED] PROVED NEGATIVE REGARDING APPOINTEE OR MEMBERS OF THE

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161-1482-9
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FBI WASH. D.C.

JUL 12 1985

PAGE TWO DE NY 0150 UNCLAS

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Third Party

FAMILY.

ISIS, NYO CHECKED BY SUPPORT EMPLOYEE, [REDACTED] ON

JULY 8, 1985, REVEALED NO INFORMATION IDENTIFIABLE WITH APPOINTEE OR
MEMBERS OF THE FAMILY.

BT

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAU/STP/cld

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/10/85

1

On July 3, 1985, the following information was provided by a person, hereinafter referred to as [] or "he", who requested that his identity and the identity of his organization/agency remain confidential and not be disclosed outside the FEDERAL BUREAU OF INVESTIGATION (FBI). For convenience, [] will be occasionally referred to as "he"; no inference regarding the sex of the source is to be made from this usage.

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[] agency/organization, was contacted regarding his agency's/organization's knowledge of the appointee. [] organization/agency has routine contact with the Merit Systems Protection Board (MSPB). He advised that his agency/organization objects to the appointment of ELLINGWOOD, the current Chairman of the MSPB, to the position of Assistant Attorney General for Legal Policy. The objection is the result of ELLINGWOOD'S alleged idea of forming a group called a "TALENT BANK" made up of "Christians" or more specifically, members of the Christian Fundamentalist Movement. The purpose of the "TALENT BANK" is to serve as a "Christian" manpower pool to ensure that 25 percent of the federal government's employees are made up of "Christians". [] emphasized that these "Christians", do not include other religious groups such as Protestants, Presbyterians, Lutherans, Catholics and other religious denominations. According to [] ELLINGWOOD is strongly associated with the "AMERICAN COALITION FOR TRADITIONAL VALUES (ACFTV)". ACFTV is the group that is designated to monitor the "TALENT BANK". [] has read two articles in the FEDERAL TIMES (issues dated 1/28/85 and 2/25/85) which support his allegations that ELLINGWOOD conceived the "TALENT BANK", although one of the articles relates ELLINGWOOD'S denial that he conceived a plan, relating ELLINGWOOD'S statement that he only played a minor role in the development of the concept.

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b7D

[] stated that his agency/organization has no specific complaints regarding ELLINGWOOD'S performance as Chairman of the MSPB as they consider him to be competent in his current position. Additionally, [] knew of no instances wherein ELLINGWOOD demonstrated prejudices in the conduct of his official duties. However, in view of the power ELLINGWOOD would have

Investigation on 7/3/85 at Washington, D.C. File # WFO 161B-14852-10

by SA []

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Third Party

Date dictated

7/9/85

Continuation of FD-302 of

WFO 161B-14852-10

On 7/3/85

Page

2*

as Assistant Attorney General, [] agency/organization is deeply concerned over the appointee's association with a "TALENT BANK" concept and the possible prejudices he may demonstrate in his official decisions and selection of significant government personnel.

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE WASHINGTON FIELD	OFFICE OF ORIGIN FBIHQ	DATE 7/17/85	INVESTIGATIVE PERIOD 7/1-17/85
TITLE OF CASE HERBERT EUGENE ELLINGWOOD		REPORT MADE BY SA [REDACTED]	TYPED BY njd
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-30-2007 BY AUC 60324/BAW/STP/cld		CHARACTER OF CASE SPIN b6 b7C Third Party	

REFERENCE:

Bureau Airtel to WFO dated 6/29/85; WFO teletype to Indianapolis
ETAL dated 7/3/85.

ADMINISTRATIVE:

All persons contacted were advised of the provisions of the Privacy Act of 1974; [REDACTED] requested confidentiality. [REDACTED] is identified on attached administrative page. [REDACTED] organization, objects to the appointee because of the appointee's religious beliefs and how they might effect the appointee in his new position.

All other persons and organizations either have no knowledge of the appointee or speak favorably.

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 2-Bureau ①-Washington Field (161R-14852) <i>WFO</i>		DESTROY: <i>10</i> YRS.	
		RETAIN: _____	
		<i>161-14852-11</i>	

Dissemination Record of Attached Report					Notations Searched _____ Serialized <i>llh</i> Indexed _____ Filed <i>llh</i>
Agency					
Request Recd.					
Date Fwd.					
How Fwd.					
By					

WFO 161B-14852
KHS:gb

ADMINISTRATIVE

[redacted] is identified as [redacted]
[redacted], who
has no personal knowledge of the appointee.

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[redacted] desired confidentiality as regards his identity
and that of his organization. His concern was that should the
appointee not be appointed as Assistant Attorney General, the
appointee would continue to decide cases presented by [redacted] and
therefore place [redacted] in an adverse position.

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE NUMBER</u>
A. EMPLOYMENTS	2
1. Merit Systems Protection Board	3-17
2. White House	18-19A
B. REFERENCES AND CLOSE PERSONAL ASSOCIATES	20-29
C. BAR OFFICIALS	30-33
D. MINORITY AND ETHNIC REPRESENTATIVES	34-38
E. RELIGIOUS LEADERS	39-43
F. LABOR OFFICIAL	44-45
G. POLITICAL PARTY LEADERS	46-50
H. ADDITIONAL ASSOCIATES	51-64
I. ORGANIZATIONS	65
1. Employment Standards Administration	66
2. Fair Labor Standards Labor Division, Department of Labor	67
3. Federal Labor Relations Authority	68
4. Federal Government Service Task Force	69
5. National Federation of Federal Employees	70
6. National Association of Government Employees	71
7. Wage Appeals Board	72
8. People for the American Way	73-74
J. RECORDS CHECKS	75
1. U.S. Attorney's Office	76-78
2. Office of Public Integrity, Department of Justice	79
3. Office of Security, Department of Justice	80
4. Office of Professional Responsibility, Department of Justice	81
5. Local Police Agencies and U.S. Secret Service	82
K. MISCELLANEOUS	83
1. Contact with Appointee's Office	84
2. GAO Report, Attachment 1	85
3. Contact with Congresswoman Schroeder's Office, Attachment 2	86-88
4. Interview of 	89-90

b2
b7D

EMPLOYMENT

MERIT SYSTEMS PROTECTION BOARD

On July 2, 1985, the following investigation was conducted by Special Agent (SA) [redacted] in reference to the appointee, HERBERT EUGENE ELLINGWOOD:

MARIA JOHNSON, Board Member at the Merit Systems Protection Board, stated that she has known the appointee for approximately two and one-half years on a strictly professional basis. JOHNSON described the appointee's legal ability and competence as excellent. JOHNSON further stated that the appointee's general knowledge and use of the tools of the law were excellent and his writing ability and ability to manage complex legal matters were also excellent. JOHNSON stated that the appointee's articulation on legal matters is excellent. She stated that she is only aware that the appointee has handled one type of case since she has known him and that in handling of those matters, he has shown "an excellent grasp of the law." JOHNSON stated that the appointee's temperament and demeanor are very professional even under stress. JOHNSON stated that the appointee has unquestionable professional ethics and she considers him to be a very fair person. She stated that she has not seen the appointee exhibit any biases or prejudices and considers him to be very fair and honest. JOHNSON stated that as far as his views on civil rights, she and the appointee have not gotten into any complex discussions about them, but she has seen through his actions and through his voting on the board that he is fair to all persons. JOHNSON stated that the appointee is very active in his private and social life, but is not aware of his involvement in any professional activities. She could not comment on any awards or accomplishments that he has received in his personal life and knew of no major awards or accomplishments that he has been credited with during his time at the Merit Systems Protection Board. She stated the appointee has a well regarded professional reputation and could not comment on his personal reputation. JOHNSON stated that she recommends the appointee without reservation for a position of trust and confidence with the United States Government. JOHNSON stated that the appointee is entirely trustworthy and reliable. She could provide no information on any associates or associations which the appointee has that are disruptive or disloyal. JOHNSON stated that there is no reason whatsoever to doubt the patriotism or loyalty of the appointee. JOHNSON has had no indication that the appointee either uses illicit drugs or abuses alcohol. JOHNSON stated that the appointee is a good person with excellent management skills who has succeeded in making the Merit Systems Protection Board a model agency. She stated that he has done wonderful things there, like decreasing the incredible backlog of cases that were there when he first arrived. JOHNSON

WFO 161B-14852

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stated that the appointee has always voted fairly regardless of the race of the persons involved and seems to be very comfortable with both minority and nonminority persons.

On July 3, 1985, the following investigation was conducted by Special Agent (SA) [redacted] in reference to the appointee, HERBERT EUGENE ELLINGWOOD:

DENNIS DEVANEY, Board Member, Merit Systems Protection Board, stated that he has known the appointee for approximately three years on a professional basis. DEVANEY stated that the appointee is a very good lawyer with a good general knowledge of the law who uses his staff well to handle problems of the office. DEVANEY stated that he is not familiar with any courtroom experience that the appointee may have had, nor is he aware of any experience before a jury that the appointee may have had. DEVANEY stated that the appointee is very comfortable conducting oral arguments and that his writing ability is quite good. DEVANEY stated that the appointee's ability to manage complex legal matters is high and he handles them very well. DEVANEY stated that the appointee is very mild mannered and he has seen him under stress, in which he handled himself very well. DEVANEY stated that the appointee was not visibly affected by the stress. DEVANEY advised that the appointee's professional ethics were very good, and that the appointee was always fair in his dealings with him, and was fair in the cases that he handled. DEVANEY stated that the appointee has not shown him any biases or prejudices against any class of citizens or any religious, racial, or ethnic groups. DEVANEY stated that the one problem which he has been involved with concerns himself with the appointee's practice of holding prayer meetings in his office before office hours. DEVANEY further stated that he had no problem with the meetings, but that several of the Jewish lawyers who worked at the Merit Systems Protection Board came to him and advised him that they felt uncomfortable about these prayers meetings. DEVANEY stated that he listened to them and then went to the General Counsel, who studied the problem and advised that there was nothing wrong with the prayer meetings being held, due to the fact that they allow other groups free access to the office and that to be fair, this group would also have access to the office. DEVANEY stated that certain persons who had concerns with this type of meeting at the Merit Systems Protection Board, tried to keep it out, but he felt that the General Counsel ruling was fair. DEVANEY stated that he does not feel it directly affects the workings of the office and that the appointee has been very practical and very discreet with these particular meetings. DEVANEY stated that he could not really comment on the appointee's views on civil

rights. DEVANEY advised that his impression of the appointee is that he is fairly active in civic and professional activities, and maintains strong ties to his hometown of Sacramento, California. DEVANEY stated that he could provide no exact names of organizations, but reiterated that the appointee is active professionally. He stated that the appointee, to his knowledge, has not received any major awards and would say that the major accomplishments of the appointee have been his management initiative at the board. DEVANEY also advised that the appointee's personal and professional reputations are good, but that the appointee is certainly controversial and the reasons why the appointee is controversial are well-known. DEVANEY stated that the appointee is qualified for the position of Assistant Attorney General for the Office of Legal Policy and therefore recommends him.

DEVANEY stated that the appointee's character can be described as trustworthy, very reliable, and a good moral person. DEVANEY could not provide any information to indicate that the appointee has associates who are either disreputable or disloyal. DEVANEY stated that if the appointee had any associates or any associations with persons who were disreputable or disloyal, that it would "surprise me." DEVANEY stated that the appointee is a very loyal, patriotic American, who does not use illicit drugs or abuse alcohol. DEVANEY could provide no derogatory information concerning the appointee.

On July 2, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD:

EVANGELINE SWIFT, General Counsel, Office of General Counsel, Merit Systems Protection Board, stated that she has known the appointee for approximately five years on a professional basis. SWIFT stated that the appointee "is smarter than most attorneys," and "has the quickest mind of any attorney I have known." SWIFT stated that the appointee has a good legal mind and is very competent as an attorney. SWIFT stated that the appointee has a very large general knowledge of the law and uses the tools of the law well. SWIFT could not comment on his courtroom experience, due to the fact that she has not known him while he was a practicing attorney. SWIFT advised that the appointee articulates well and again stated that he was a "fine lawyer." SWIFT stated that the writings that the appointee does are well done and that he is extremely good at managing complex legal matters. SWIFT stated that the appointee is very calm under stress and that she has never worked for anyone who has been calmer. SWIFT stated that the appointee's professional ethics are excellent and that he is "the fairest man I've ever met in any profession." SWIFT advised that she knew of no biases or prejudices that the appointee has. SWIFT stated that the appointee and she have not sat down and had a long discussion on his view of civil rights, but since he is a fair man and he understands the law, he follows those decisions regardless of the ethnic origin of the person whose case he is deciding. SWIFT further advised that the appointee is very big on civic and professional activity. She stated that he has urged everyone who works for him to become involved in the community and in outreach programs. SWIFT stated that the appointee and the office have received several awards for assistance in special projects. She stated that these awards were a result of the appointee's guidance. SWIFT most certainly recommended the appointee for a position of trust and confidence in the United States Government.

SWIFT stated that the appointee is hardworking, supportive, and the "best manager I have ever seen." SWIFT stated that she knows of no associates of the appointee who are either disruptive or disloyal. SWIFT advised that there is certainly not any reason to think that the appointee is disloyal or unpatriotic. SWIFT stated that the appointee does not drink and she has had no indication that the appointee uses illicit drugs. SWIFT could provide no derogatory information concerning the appointee.

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FRANK HAGAN, Comptroller, Office of the Comptroller, United States Merit Systems Protection Board, stated that he has known the appointee for approximately five years on a professional basis. HAGAN stated that initially he knew the appointee only socially, but that relationship changed when he began to work for the appointee. HAGAN stated that he is unable to comment on the appointee's legal ability due to the fact that he has no direct dealings on a legal basis with the appointee. HAGAN stated that the appointee has a good reputation for general knowledge of the law and that what he has done at the agency has shown him that he can produce a good product. Additionally, HAGAN stated that the appointee's reputation regarding courtroom experience and articulation are excellent. HAGAN stated that the appointee is a good manager who fosters other good managers by allowing them to develop on their own. HAGAN stated that the appointee's writing ability is excellent and that he cannot comment personally on the appointee's ability to manage complex legal matters. HAGAN stated that the demeanor and temperament of the appointee do not vary much whether he is under stress or not under stress. HAGAN stated that the appointee is "as level as anyone I have ever known." HAGAN stated that the appointee is not moody. HAGAN said that as far as being fair, the appointee is excellent. HAGAN said that he has not seen any biases or prejudices that the appointee might have. HAGAN advised that he could not comment directly on the appointee's views on civil rights due to the fact that he does not deal on a daily basis with the appointee in regards to civil rights. HAGAN said that the appointee is very involved in civic functions and stated that at one point the appointee insisted on serving the poor people in the District of Columbia with food. HAGAN stated that the appointee is also very busy with religious organizations. He further stated that he is not aware of any major awards or accomplishments which the appointee may have received. HAGAN stated that the personal and professional reputation of the appointee is very good and that he cannot respond because he does not know what the professional reputation of the appointee is. HAGAN stated that he absolutely recommends the appointee for the position of trust and confidence with the United States Government.

HAGAN stated that the appointee is trustworthy, reliable, steady, very predictable and good morally. HAGAN stated that the appointee "does not practice situation ethics." HAGAN stated that he knows of no associates or associations which would be termed disreputable or disloyal. HAGAN advised that there is no reason to believe that the appointee is not an extremely loyal, patriotic person. HAGAN stated that the appointee sees himself as serving the President and therefore is extremely loyal to him. HAGAN stated that he has no indication

WFO 161B-14852

that the appointee uses illicit drugs or abuses alcohol. HAGAN could not provide any derogatory information concerning the appointee.

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Third Party

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On July 2, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in reference to the appointee, HERBERT EUGENE ELLINGWOOD:

K. WILLIAM O'CONNOR, Special Counsel, Office of the Special Counsel of the Merit Systems Protection Board, advised that he has known the appointee for approximately four years on both a professional and social level. O'CONNOR stated that he first met the appointee when he was a candidate for Inspector General. Their initial contact with each other was social in nature. He stated that their contacts became professional in approximately 1982. O'CONNOR stated that he meets one time each week with the appointee during which they discuss personnel problems and other items of business. He stated that the appointee is highly competent regarding his legal ability and is very, very conservative in regards to interpreting the laws. O'CONNOR stated that the appointee has significant legal insight into the law and what is happening with it. O'CONNOR advised that the appointee is a good lawyer. O'CONNOR stated that he has taken cases before the appointee in court and has found the appointee's demeanor to be excellent. O'CONNOR stated that the appointee has a good working knowledge of the law and that the appointee is articulate, thoughtful, conscientious, and fully understanding of the law. O'CONNOR stated that he does not have any personal knowledge of the appointee's conduct before a jury. He stated that the appointee writes well-written opinions which are what O'CONNOR termed to be "tight." O'CONNOR said that the appointee is excellent when it comes to ability to manage complex legal matters and as a way of example pointed out his conduct during the air controllers strike and the handling of those legal issues. O'CONNOR stated that the appointee's temperament is calm, considerate, thoughtful, and that the appointee handles things rationally with measured responses. O'CONNOR stated that the appointee's professional ethics are fine and that he is fair. O'CONNOR stated that the appointee is biased only in favor of truth and of the "conservative constitutionality" of laws. He said that the appointee is a firm believer in the law being "color blind" and uses a very ethical approach to the law. O'CONNOR stated that the appointee is involved in many civic and professional activities on his own time. He advised that the appointee travels extensively on church business and gets up early in the morning to conduct church business prior to arriving at work. O'CONNOR stated that he was not in a position to know of any major awards or accomplishments that the appointee may have been involved in since his coming to the Merit Systems Protection Board. He stated that the appointee's personal and professional reputation is excellent and that the appointee would make a great Assistant Attorney General and therefore he highly

recommends the appointee for that position.

O'CONNOR stated that the appointee is an excellent person, proud of his associations and a man of high principles and morals. O'CONNOR stated that he was not aware of any associates or associations which the appointee has that were labeled disruptive or disloyal. He further stated that there is no reason to doubt that the appointee is a patriotic, very loyal American. O'CONNOR stated that the appointee does not drink and has never had any indication that he uses illicit drugs. O'CONNOR stated that he has no derogatory information to provide concerning the appointee and further added that during the three investigations which have been conducted by his office on the appointee, he has found them all to be groundless. O'CONNOR stated that the appointee is in a political position in Washington, D. C., and therefore is in a position to have "mud slung at him."

On July 8, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in reference to the appointee, HERBERT EUGENE ELLINGWOOD:

PAUL TRAYERS, Legislative Counsel, Office of Legislative Counsel, Merit Systems Protection Board, stated that he has known the appointee for approximately three years on a professional basis. TRAYERS advised that the appointee is highly competent and has the highest legal ability. TRAYERS stated that the appointee's general knowledge of the tools of the law are "tops" and that the appointee does not waste words when he speaks or writes. He stated that the appointee is very articulate and very concise. TRAYERS stated that he is not familiar with the appointee's courtroom experience, but knows from working with him that the appointee's experience is extensive in that area. TRAYERS further stated that he has not seen the appointee in a courtroom, but has observed the appointee conduct hearings at the Merit Systems Protection Board. TRAYERS stated that those hearings have been conducted in a professional manner. He stated that the appointee's ability to manage complex legal matters is the appointee's "strong suit." TRAYERS stated that it is impossible to tell if the appointee is upset because the appointee does not show any emotion even when placed under a great deal of stress. TRAYERS stated that the appointee's temperament and demeanor are very even and unshowing. TRAYERS stated that the appointee's professional ethics are "above board" and that he is the "fairest" person that he has ever known. TRAYERS stated that he does not know of any prejudice or bias that the appointee has against any class of citizen or any religious, racial or ethnic group. TRAYERS stated that the appointee is a very religious person, but it has been his experience while working for the appointee that the appointee's religion does not enter into decisions which he makes either on personnel matters within the Merit Systems Protection Board or on cases that the board hears. TRAYERS stated that he is not familiar with all of the appointee's views on civil rights, but believes that the appointee is for affirmative action to allow persons equal access to all areas of education and society in general. TRAYERS advised that the appointee is one of the busiest persons that he has ever seen and described the appointee as "civically conscious." He further stated that the appointee is very private about any accomplishments or awards received from civil activity, but he added that the appointee has on occasion received awards which he cannot specifically recall at this time. TRAYERS stated that the appointee is one of the "top two or three people

I've ever known." TRAYERS further described the appointee as a top notch person whom he was happy to recommend for the position at the DEPARTMENT OF JUSTICE. TRAYERS commented favorably on the appointee's character, associates, reputation, and loyalty, and indicated that the appointee has never abused alcohol or used illicit drugs. TRAYERS stated that there is not any derogatory information about the appointee which he knows of. TRAYERS stated that there are certain groups who oppose the appointee because of the appointee's Christian beliefs, but that as far as he is concerned, those beliefs have not entered into the decision-making process of the appointee. TRAYERS stated that he knows that the appointee has talked about a job bank for certain persons of a particular religion, but added that he is of a different religion and different party and was nonetheless promoted from within the Merit Systems Protection Board, on merit and not on his religious philosophy. TRAYERS advised that at least two investigations have been conducted into the appointee's work at the Merit Systems Protection Board and on each occasion the investigations proved negative. TRAYERS stated that the appointee has set no record, in managing the Merit Systems Protection Board, to indicate that his religious beliefs have undue influence on his decisions.

WFO 161B-14852
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On July 2, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in reference to the appointee, HERBERT EUGENE ELLINGWOOD:

ERIC BRUGGINK, Director, Office of Appeals Counsel, Merit Systems Protection Board, stated that he has known the appointee for approximately three years on a professional basis. BRUGGINK stated that the appointee is extremely competent and has the highest regard for his legal skills and his analytical ability. BRUGGINK stated that the appointee is very bright and has good legal and management skills. BRUGGINK stated that he was not familiar with the appointee's courtroom experience or his demeanor before a jury. BRUGGINK stated that the appointee is extremely articulate, very direct, and concise in his writings. BRUGGINK stated that when the appointee writes something, there is no mystery about what he is saying. BRUGGINK stated that he gives the appointee his highest rating for his ability to manage complex legal matters. BRUGGINK advised that the appointee's ability to manage complex legal issues is the appointee's "strong suit." BRUGGINK further advised that the appointee never loses his cool and when faced with stress, he is "utterly unruffled." BRUGGINK stated that the appointee's professional ethics are perfect and that the appointee is highly ethical. BRUGGINK advised that the appointee is perfectly fair in his decisions and highly ethical when it comes to fairness. He stated that he does not know of any biases or prejudices that the appointee may have against any class of citizens, religious, racial, or ethnic groups. BRUGGINK stated that the appointee's views on civil rights are that he enforces the law as it is and is very fair about the enforcement. BRUGGINK stated that he was not aware of any major awards that the appointee might have received, but felt that the accomplishments which should be credited to the appointee was the running of the Merit Systems Protection Board. BRUGGINK stated that the appointee was able to rid the Merit Systems Protection Board of its backlog of cases and that this was a great accomplishment. BRUGGINK advised that the appointee's personal and professional reputation is very good and that he absolutely recommends the appointee for a position of trust and confidence with the United States Government. BRUGGINK stated that the appointee has a great deal of trustworthiness, reliability, and is truly a great person who is full of integrity and drive. BRUGGINK stated that the appointee does not belong to any associations or has any associates that could be labeled disreputable or disloyal. BRUGGINK stated that the appointee is a loyal, patriotic American. BRUGGINK stated that the appointee does not drink at all and has no indication that the appointee uses illicit drugs. BRUGGINK advised that he does not know of any derogatory information concerning the appointee, and that he has total confidence and trust in him as a person.

WFO 161B-14852

BRUGGINK stated that the appointee has a great desire to be of service to his country and is a very compassionate person.

WHITE HOUSE

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RPC:bp

The following investigation was conducted by Special Agent (SA) [REDACTED] on July 2, 1985:

A search of the files of the Records Office, WHITE HOUSE, revealed the following information concerning HERBERT E. ELLINGWOOD:

<u>Date</u>	<u>Action</u>
April 21, 1981	Presidential Commission to the Deputy Counsel to the President
May 7, 1982	Presidential Commission to be a Member of the Merit Systems Protection Board for the remainder of the time expiring March 1, 1986
May 7, 1982	Designated that Chairman of the Merit Systems Protection Board

The files contained no additional pertinent information.

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Third Party

The following investigation was conducted by Special Agent (SA) [redacted] at the White House, Washington, D.C.:

The following individuals advised, on the dates noted, that although they worked on a professional basis with HERBERT ELLINGWOOD, at the Office of the Counsel to the President, White House, they did not wish to comment concerning his character, associates, reputation, or loyalty, because doing so would put them in conflict with their duties as Counsel and Deputy Counsel to the President. It is noted that the position of each of these individuals will require them to pass judgement on the appointee based upon the results of this investigation:

FRED FIELDING, Counsel to the President, 7/2/85.
RICHARD A. HAUSER, Deputy Counsel to the President, 7/2/85,
and 7/10/85.

Due to the short time which the appointee spent at the Office of the Counsel to the President, and the turnover in personnel at this office since then, no one else could be located at the White House who could comment concerning the appointee's character, associates, reputation, or loyalty.

REFERENCES AND CLOSE PERSONAL ASSOCIATES

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On July 2, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD:

JOYCE KEITH, Special Assistant to the Chairman, Merit Systems Protection Board, has known the appointee for over four years on a professional basis. She is currently employed as his Special Assistant and has contact with him professionally on a daily basis. KEITH stated that she was hired by him first as a Secretary at the WHITE HOUSE and remained with him after he came to the Merit Systems Protection Board. KEITH stated that she is not an attorney and therefore does not feel qualified to comment on areas concerning his legal ability. She stated that the appointee has not been a practicing attorney since 1966. KEITH stated that the appointee is a fine attorney who is a good speaker, easily understood and can articulate a position very well. KEITH stated that the appointee is a good organizer and manager, who is very active as Chairman of the Board, and puts out a great deal of work while he is at work. KEITH described the appointee's writing ability as very good, and his temperament and demeanor as excellent. She stated that the appointee is very controlled under stress and that he never shows emotion. She stated that the only way you can tell that he is upset is if you notice that he is quieter than he normally is. KEITH stated that his professional ethics are beyond reproach, and that he is an extremely fair person with no biases or prejudices towards others. KEITH stated that the appointee thinks everyone should be treated equal. KEITH said the appointee is very active outside of his employment in both religious and legal fields. KEITH stated that he serves on the Board of Directors of at least one college and is involved with a religious group entitled, "HERITAGE OF AMERICA." KEITH stated that the appointee has a very good reputation, both personally and professionally, and is known world-wide as a very good person. KEITH stated that the appointee has really good qualifications and therefore highly recommends him for a position of trust and confidence in the United States Government.

KEITH stated that the appointee is very religious with very strong ethics, who believes in being fair. KEITH further stated that he is a family man who cares about everyone and who is very thoughtful to both family and friends. KEITH stated that she is not aware of any associates or associations who the appointee frequents that may be considered disloyal or disruptable. She stated that the appointee is very loyal to the Government of the United States. KEITH stated that during the time she has known the appointee, she has had no indication that the appointee either uses illicit drugs or abuses alcohol. KEITH stated that she is sure that the appointee has never had a drink of alcoholic beverages. KEITH could not provide any derogatory information concerning the appointee. KEITH stated that the appointee gets along fine with the other board members and the board is now working much better than it was when he first arrived.

WFO 161B-14852
KHS:bp

On July 2, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD:

VERNE SPIERS, Executive Assistant to the Chairman of the Merit Systems Protection Board, stated that he has known the appointee for approximately 11 years on a professional and social basis. SPIERS stated that the appointee is an extremely competent administrator. SPIERS stated that since he, himself, is not an attorney, he is more familiar with the appointee as an administrator than as an attorney. SPIERS stated that the appointee is a most brilliant person and considers him to be "externally acute" and an "attorney's attorney". SPIERS stated that the appointee is an extremely good writer and an exceptional speaker. SPIERS said that the appointee is extremely capable when it comes to managing complex legal matters, such as the ones handled in the Merit Systems Protection Board. SPIERS stated that the appointee is very even-tempered, seldom gets rattled, and has a level perspective, even under stress. SPIERS advised that the appointee's professional ethics are above reproach, and he is extremely fair in everything that he does. SPIERS advised that the appointee has shown no biases or prejudices against any class of citizen or any religious, racial, or ethnic group. SPIERS stated that the appointee is conservative in his approach, but that he applies standards and rights to all persons as they are established by law. He further stated that the appointee has a balanced perspective on his view of civil rights favoring none over the other. SPIERS stated that the appointee is very active both on the civic and professional level in the community, the church, and local affairs. SPIERS advised that the appointee has received numerous awards in his career and cannot point out one as being more major than the other. SPIERS advised that the appointee's professional and personal reputation is above reproach and that he works out differences and promotes cooperation with his co-workers and subordinates. SPIERS stated that he very highly recommends the appointee for a position of trust and confidence with the United States Government.

SPIERS stated that the appointee is trustworthy, reliable, with principles above reproach, and well-balanced morals. SPIERS advised that he had no indication that the appointee associated with or was active in any groups that were disruptive or disloyal. SPIERS stated that the appointee is a true patriot who is very loyal to the United States Government. SPIERS advised that he has had no indication that the appointee uses illicit drugs or abuses alcohol. SPIERS stated that he

WFO 161B-14852

could not provide any derogatory information concerning the appointee, due to the fact that the appointee is one of the highest principled, dedicated individuals that he has ever met. SPIERS stated that the appointee takes pride in his job accomplishments, his beliefs, and his religious affiliations.

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On July 1, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] concerning the appointee, HERBERT EUGENE ELLINGWOOD.

RICHARD REDENIUS, Managing Director of the MERIT SYSTEMS PROTECTION BOARD, advised that he has known the appointee since December of 1981 when the appointee took over as chairman of the MERIT SYSTEMS PROTECTION BOARD. REDENIUS stated that prior to that he did not know the appointee and had never dealt with him either professionally or socially. REDENIUS stated that his association with the appointee since that time has been on a mainly professional basis and a somewhat limited social basis. REDENIUS stated that the appointee has a very good general knowledge concerning the use of the tools of the law. REDENIUS said that the appointee's ability to manage complex legal issues is quite good and that he can also articulate his positions on issues in a clear manner. REDENIUS advised that the appointee knows how to delegate and is a very process-oriented person. REDENIUS further stated that the appointee tends to favor short pieces of work and tends to come directly to the point on issues. REDENIUS stated that the appointee's temperament and demeanor are quite good and the appointee is a fairly quiet person. REDENIUS stated that he has observed the appointee under stress and the appointee's reaction is to get even more quiet than he is when not under stress. REDENIUS stated that the appointee has very high professional ethics and knows of no biases or prejudices which influence the appointee. REDENIUS stated that the appointee has a very restrained philosophy and uses great judicial restraint in all facets of his work. REDENIUS stated that this judicial restraint and restraint philosophy apply also to his views on civil rights. REDENIUS stated that the appointee is very active privately and REDENIUS is sure that he is active in many organizations on a professional level but was not in a position to comment on those. REDENIUS stated that during the time the appointee has worked at the MERIT SYSTEMS PROTECTION BOARD, he has not received any major awards or other awards for accomplishments which he has conducted within the frame work of the MERIT SYSTEMS PROTECTION BOARD. REDENIUS stated that he is not familiar with any major awards or accomplishments which the appointee may have received outside of the MERIT SYSTEMS PROTECTION BOARD. REDENIUS described the appointee's personal reputation as impeccable and his professional reputation as quite high as a manager. REDENIUS provided a high recommendation of the appointee for a position of Assistant Attorney General for the Office of Legal Policy.

WFO 161-14852

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REDENIUS commented favorably on the appointee's character, reputation, associates and loyalty and used such words as "trustworthy, highly reliable and a man of strong beliefs" to describe the appointee. REDENIUS stated there is absolutely no reason to believe that the appointee is not patriotic and had no indication that the appointee used illicit drugs or abused alcohol. REDENIUS advised that the appointee is a very decent human being who was willing to listen to all sides and then make his decision based on what he has heard. REDENIUS stated that he thoroughly enjoys working with the appointee.

REDENIUS stated that since he is not a lawyer he could not comment on matters concerning the appointee's legal ability, competence, courtroom experience, jury appeal, and the specialization and types of cases the appointee has handled in the past.

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Third Party

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On July 3, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in reference to the appointee, HERBERT EUGENE ELLINGWOOD.

Major General THOMAS K. TURNAGE, Director of Selective Service System, stated that he has known the appointee since 1971, on both a professional, personal, and social basis. TURNAGE advised that he frequently sees the appointee at various functions and business meetings in Washington, D.C. TURNAGE further advised that he has known the appointee since the appointee was Legal Affairs Secretary of California. TURNAGE stated that since he is not an attorney, he cannot comment first hand on the appointee's legal ability, courtroom experience, and jury experience, but knows from working with him that the appointee is highly competent and always shows a high degree of professionalism in whatever he does. TURNAGE stated that the appointee has an excellent knowledge of the law and has always handled complex legal matters in a professional manner with good insight into those matters. TURNAGE stated that the appointee's temperament is exceptional and outstanding, and he has always handled himself well under stress. He stated that the appointee's professional ethics are beyond reproach and he is "infinitely" fair. TURNAGE advised that the appointee has no biases or prejudices towards any particular group whatsoever. TURNAGE stated that the appointee is tolerant of all persons. TURNAGE stated he is somewhat aware of the views on civil rights of the appointee, insomuch as the appointee abides by a personal code and believes in the equality of man. He further stated that the appointee is very active in religious organizations and in professional activities. TURNAGE stated that he is not aware of any major awards or accomplishments that the appointee has been a recipient of, because if the appointee received a major award, he, the appointee, would not go around telling everyone about it. TURNAGE advised that the appointee's personal and professional reputation is beyond reproach and that he recommends the appointee for a position of trust and confidence with the United States Government. TURNAGE stated that he wishes there would be better words to describe the appointee, because he feels so highly about the appointee.

TURNAGE commented favorably on the appointee's character, reputation, associates, and loyalty using such words as trustworthy, reliable, with flawless morals, and a rigid code of ethics. TURNAGE stated that the appointee would not belong to any groups which are disreputable or disloyal, and that there is no reason whatsoever to believe that the appointee is disloyal or unpatriotic. TURNAGE stated that the appointee does not drink and has never been known to use illicit drugs. He further stated

WFO 161B-14852
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that he could not provide any derogatory information concerning the appointee, because as far as he was concerned, there was none to report. TURNAGE stated that the appointee uses professionalism in all his dealings, and has so many admirable qualities, that he himself wishes he had.

WFO 161-15852
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On July 1, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD.

Colonel FRANK SALCEDO, LAS CARIS DESIGN GROUP, stated that he has known the appointee since approximately August of 1969. SALCEDO stated that their association began as professional, continued in that manner for several years and then after they no longer had professional contact, became social. SALCEDO stated that he has almost daily contact with the appointee and considers them to be the best of friends. SALCEDO stated that as a personal friend and having worked with the appointee professionally, he is more aware of the appointee's abilities as a manager than his legal experience. SALCEDO stated that the appointee is an organizer, handles people well and is good at eliminating conflicts between persons. SALCEDO stated that the appointee is a person of very high integrity, a very loyal American, a loyal supervisor, and a loyal subordinate. SALCEDO stated that the appointee is a good team player who knows how to manage people. SALCEDO stated that the appointee is trustworthy, reliable, and a person of the highest caliber. SALCEDO stated that the appointee is highly respected by co-workers and other associates. SALCEDO advised that the appointee's "word is bond." SALCEDO stated that there is no reason to doubt that the appointee is a patriotic, loyal American. SALCEDO advised that the appointee does not use illicit drugs or abuse alcohol and is in fact a total abstainer. SALCEDO stated that he has not had recent occasion to observe the appointee handle stress but stated that he and the appointee were involved in the riots in the late 1960's in California during which the appointee acted in a very "cool," very professional manner. SALCEDO stated that he has no derogatory information to report concerning the appointee. SALCEDO highly recommended the appointee for a position of trust and confidence with the United States Government.

BAR OFFICIALS

WFO 161B-14852
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On July 3, 1985, MARNA TUCKER, President, District of Columbia Bar at BOASBERG, KLORES, FELDSMAN, AND TUCKER, 2101 L Street, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that she was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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Third Party

WFO 161-14852

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THE DISTRICT OF COLUMBIA BAR
Washington, D.C.

On July 3, 1985, YVONNE INNISS, Membership Clerk, the District of Columbia Bar (Unified), Washington, D.C., advised Investigative Assistant (IA) [REDACTED] that the appointee, HERBERT EUGENE ELLINGWOOD, became a member of this association on November 7, 1983, and is currently an active member.

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Third Party

On July 3, 1985, LOU ANNE MC GLASHAN, Secretary, Office of Bar Counsel, the District of Columbia Bar, Washington, D.C., advised IA [REDACTED] that a review of the files indicated the appointee is a member in good standing, and there are no grievances pending or past on file in which have resulted in disciplinary action.

MINORITY AND ETHNIC REPRESENTATIVES

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On July 3, 1985, ALTHEA SIMMONS, Director, WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP), 1025 Vermont Avenue, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that she was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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Third Party

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On July 3, 1985, Dr. DOUGLAS GLASCOW, Vice President, NATIONAL URBAN LEAGUE, INCORPORATED, 425 13th Street, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that he was not personally acquainted with the appointee, HERBERT EUGENE ELLINGWOOD. GLASCOW stated his organization would continue to research their files concerning the appointee and if any positive information was found that would effect the organization's opinion concerning the appointee's appointment.

WFO 161-14852
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Third Party

On July 3, 1985, BETTY WHALEY, President, WASHINGTON URBAN LEAGUE, INCORPORATED, 3501 14th Street, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that she was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

WFO 161B-14852
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On July 2, 1985, JERRY BERMAN, Chief Legislative Counsel, AMERICAN CIVIL LIBERTIES UNION, Washington, D.C., advised Special Agent (SA) [REDACTED] that he was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, and could make no comments concerning ELLINGWOOD either personally or professionally.

RELIGIOUS LEADERS

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On July 2, 1985, MARLEEN GORIN, Acting Executive Director, Jewish Community Council of Greater Washington, 1522 K Street, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that she is not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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Third Party

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Third Party

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On July 2, 1985, CHERYL DAVIS, Administrative Assistant to BISHOP WALKER, Episcopal Diocese of Washington, D.C., Episcopal Church House, Mount Saint Alban, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that the BISHOP advised he was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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On July 2, 1985, MONSIGNOR BOLAND, Catholic Archdiocese of Washington, 5001 Eastern Avenue, Hyattsville, Maryland, advised Special Agent (SA) [REDACTED] that he is not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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Third Party

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On July 1, 1985, LUCY SHAW, Secretary to WILFRED R. CARON, General Counsel, U.S. CATHOLIC CONFERENCE, 1312 Massachusetts Avenue, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that CARON was on vacation until July 22, 1985, but she queried the other lawyers in the office concerning the appointee, HERBERT EUGENE ELLINGWOOD. None of the lawyers were familiar with the appointee either on a personal or professional basis.

LABOR OFFICIAL

WFO 161B-14852
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On July 3, 1985, LAWRENCE GOLD, Legal Counsel, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO), 815 16th Street, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that he is not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

POLITICAL PARTY LEADERS

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Third Party

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On July 3, 1985, RHONDA CULPEPPER, Secretary to BILL R. PHILLIPS, Chief of Staff, REPUBLICAN NATIONAL COMMITTEE, 310 1st Street, S.E., Washington, D.C., advised Special Agent (SA) [REDACTED] that PHILLIPS was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

WFO 161-14852

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On July 1, 1985, JOHN GARST, Senior Vice Chairman, District of Columbia Republican Committee, 700 7th Street, S.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that he was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, and could make no comments concerning WILLARD either personally or professionally.

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Third Party

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On July 2, 1985, GENNY DESMOND, Assistant Controller, Democratic National Committee, Political Division, 20 Ivy Street, S.E., Washington, D.C., advised Special Agent (SA) [REDACTED] [REDACTED] that no one at the Committee was knowledgeable of the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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Third Party

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On July 2, 1985, PHYLLIS JONES, Executive Director, District of Columbia Democratic State Committee, 1110 Vermont Avenue, N.W., Suite 840, Washington, D.C., advised Special Agent (SA) [REDACTED] that she was not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

ADDITIONAL ASSOCIATES

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Third Party

The following investigation was conducted by Special Agent (SA) [REDACTED] at Washington, D.C. on July 2, 1985, regarding the appointee, HERBERT EUGENE ELLINGWOOD.

D. LOWELL JENSEN, Deputy Attorney General, DEPARTMENT OF JUSTICE, advised that he has known ELLINGWOOD since the 1960's. JENSEN was employed at that time in the District Attorney's Office in Oakland, California, and ELLINGWOOD was employed by a legal firm which was defending clients in the Oakland area. Their first association was strictly professional but has become more on the social basis. JENSEN advised that he lost contact with ELLINGWOOD when he (JENSEN) left the California area. When ELLINGWOOD came to the Washington area, they again renewed their social acquaintance, but JENSEN advised that he is not close to any of ELLINGWOOD's friends in the Washington area except for common friends of the California area. JENSEN does not know if ELLINGWOOD is presently practicing law as an attorney as ELLINGWOOD's main responsibility is oversight at the Merit Systems Protection Board. JENSEN stated that any knowledge he has of the appointee's legal abilities would be based on his knowledge of ELLINGWOOD's practice in California. JENSEN stated that ELLINGWOOD had a wide range of litigation experience in California and had an extensive knowledge of the law. Due to ELLINGWOOD's present employment, JENSEN believed that ELLINGWOOD is now more specialized in public employee laws. JENSEN stated that ELLINGWOOD's articulation of a case in front of a judge or jury was very good, and that the appointee's writing ability was adequate. Based on ELLINGWOOD's experience at the Merit Systems Protection Board, JENSEN stated that he should be able to manage complex legal matters very well. JENSEN advised that he could not comment on ELLINGWOOD's present temperament and demeanor as his knowledge of ELLINGWOOD was based on the time period when ELLINGWOOD was relatively new to the law. JENSEN has no reason to question the appointee's ethics or fairness, and has no knowledge of the appointee's view on civil rights. JENSEN advised that ELLINGWOOD may be considered a "lay minister" and as such, may hold many of the same opinions as the moral majority, but added that he is not sure how this would affect ELLINGWOOD as far as biases or prejudices. JENSEN stated that ELLINGWOOD's personal and professional reputation would be considered good to the best of his knowledge. JENSEN has no knowledge of any derogatory information concerning the appointee. He has no knowledge of the appointee abusing alcohol or using any illicit drugs. He also has no reason to question the appointee's loyalty to the United States Government. JENSEN would recommend the appointee for the position under consideration.

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Third Party

On July 7, 1985, JOHN HERRINGTON, Secretary of Energy, DEPARTMENT OF ENERGY, Washington, D.C., was contacted by Special Agent (SA) [REDACTED] FEDERAL BUREAU OF INVESTIGATION (FBI), Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

HERRINGTON has known ELLINGWOOD since 1981 when both men — worked at the WHITE HOUSE. HERRINGTON was in charge of the WHITE HOUSE personnel and had routine contact with the appointee. Additionally, both men travel in the same social circle, HERRINGTON has had dinner at ELLINGWOOD's home, and both men have children attending the same high school.

HERRINGTON described the appointee as a very positive man who was obviously very intelligent. He had opportunity to observe his legal expertise while both worked at the WHITE HOUSE and considered him to be an outstanding lawyer of excellent character and high integrity. It was also obvious to HERRINGTON that ELLINGWOOD had a great ability as a manager.

As regards to the appointee's practice of religion, HERRINGTON knows ELLINGWOOD to be a very devoted Christian who is active in his church. Although he has never heard ELLINGWOOD talk about the matter, HERRINGTON is aware that an allegation was made in the newspaper about ELLINGWOOD's supposed endorsement of a "talent bank". HERRINGTON does not believe the allegation. He views ELLINGWOOD's current position as chairman of the MERIT SYSTEMS PROTECTION BOARD as being a very difficult job. Also, he believes ELLINGWOOD is subject to much criticism due to his firm and explicit personal and professional beliefs. HERRINGTON does not believe that ELLINGWOOD's religious beliefs have caused his professional objectivity to be affected. On the contrary, HERRINGTON greatly admires ELLINGWOOD's convictions and commitments and is confident that ELLINGWOOD's religious convictions enhance his ability as a public servant.

He knows ELLINGWOOD to enjoy a wholesome family life, believes the appointee to be in good health and to live within his means financially.

HERRINGTON knew of no derogatory information concerning ELLINGWOOD and highly recommended him for a position of Assistant Attorney General for Legal Policy. HERRINGTON stated that he has had no indication that the appointee uses illicit drugs or abuses alcohol.

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Third Party

On July 7, 1985, JAMES A.R. JOHNSON, Manager of GOVERNMENT AFFAIRS XEROX CORPORATION, Washington, D.C., was contacted by Special Agent (SA) [REDACTED] FEDERAL BUREAU OF INVESTIGATION (FBI), Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

JOHNSON first met the appointee when both men worked in the office of Governor REAGAN in 1971. JOHNSON was a peer staff member at that time, and the appointee worked as a counsel in the Legal Affairs Section of the Governor's office. He had daily dealings with ELLINGWOOD and routinely socialized with him.

JOHNSON stated that he was "very high" on ELLINGWOOD and considered his character to be absolutely impeccable. He knew ELLINGWOOD to be remarkably sensitive to the needs of people and to have a strong commitment to the individuals who worked for him. He also considered ELLINGWOOD to be an excellent manager and a very competent and intelligent attorney.

JOHNSON stated that ELLINGWOOD is a very religious man, but never observed any action or policy on the part of ELLINGWOOD that interfered with his official duties. JOHNSON was unaware of any endorsement by the appointee of a "talent bank".

JOHNSON stated that he knew no derogatory information concerning the appointee and had never observed any behavior that would indicate the excessive use of alcohol or the illegal use of drugs or narcotics. JOHNSON highly recommended the appointee for the position of Assistant Attorney General for Legal Policy.

WFO 161-14852
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On July 3, 1985, LOUIS O. GIUFFRIDA, Director, FEDERAL EMERGENCY MANAGEMENT AGENCY, Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD. GIUFFRIDA has known ELLINGWOOD since approximately 1970, when he began working with the California Specialized Training Institution. Both the appointee and MR. MEESE were in GIUFFRIDA's reporting channel to then, GOVERNOR REAGAN. GIUFFRIDA described the appointee as an exceptionally intelligent man who was the "sharpest brain" he has ever met. He is especially impressed by ELLINGWOOD's ability to retain and digest a vast amount of information. The appointee has an obvious extensive knowledge of the law and, although he frequently speaks cryptically, is impressive when addressing groups. Additionally, GIUFFRIDA has always been impressed by ELLINGWOOD's ability to maintain a composed demeanor in the midst of very stressful situations.

GIUFFRIDA stated that he would trust ELLINGWOOD with his life and has absolute confidence in the appointee's ability to make clear and objective decisions. GIUFFRIDA, who described himself as a Catholic, stated that he is aware of the severe criticisms aimed at the appointee because of ELLINGWOOD's religious beliefs. GIUFFRIDA stated that he did not agree with the criticisms as he was sure the appointee conducted his government duties in an objective and professional manner and was not biased toward or prejudice against any person or group because of race, creed, color or religious affiliation.

He has known the appointee to be healthy in every regard, enjoy a wholesome personal life and live within his means financially. He has never known the appointee to consume alcohol nor use illegal drugs or narcotics. He highly recommends ELLINGWOOD for the position of Assistant Attorney General for the Office of Legal Policy.

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Third Party

On July 11, 1985, ROBERT W. SWEET, JR., Senior Staff Member, Office of Policy Development, WHITE HOUSE, Washington, D.C., was contacted by Special Agent (SA) [REDACTED] FEDERAL BUREAU OF INVESTIGATION (FBI), Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

SWEET has known the appointee since about 1982, when both men worked at the WHITE HOUSE. He considered ELLINGWOOD to be a "terrific guy" who has the utmost integrity, honesty, and dedication. He considers ELLINGWOOD to be an outstanding attorney and a confident public servant.

SWEET is aware through local newspaper articles of the association of ELLINGWOOD with a "talent bank" concept. However, SWEET has no personal knowledge of ELLINGWOOD's endorsement of such a concept and considered the idea to be very inconsistent with ELLINGWOOD's expressed philosophy of abiding with rules, regulations and laws, and selecting the most qualified person for government employment.

SWEET stated that he knew of no derogatory information concerning the appointee and had never observed behavior that would indicate the excessive use of alcohol or the use of illegal drugs or narcotics. He highly recommended the appointee for the position of Assistant Attorney General for the Office of Legal Policy.

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Third Party

On July 9, 1985, ALEX KOZINSKI, Chief Judge, U.S. Claims Court, Washington, D.C., was contacted by Special Agent (SA) [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

Judge KOZINSKI, who described himself as a man of Jewish persuasion, worked with ELLINGWOOD in the WHITE HOUSE in 1981 and also worked with him in the MERIT SYSTEMS PROTECTION BOARD (MSPB) from December, 1981, through August, 1982, as a special counsel. KOZINSKI was not subordinate to ELLINGWOOD either at the WHITE HOUSE or at MSPB, but worked in a different section at both locations.

KOZINSKI described ELLINGWOOD as a very good man, who was very religious and committed to doing the right thing both in his personal and professional life. ELLINGWOOD always appeared to be a public activist in that he wanted to become involved in community affairs around him. As an example, KOZINSKI recalled that ELLINGWOOD was very active in various blood drives.

KOZINSKI knew the appointee to be competent in everything he did. He was most impressed by the manner in which ELLINGWOOD handled the voluminous cases that came to the MSPB concerning the air traffic controllers. ELLINGWOOD handled these matters fairly, effectively, and efficiently. KOZINSKI recalled that all of MSPB decisions, regarding the air traffic controllers, were affirmed by courts of law.

KOZINSKI knew ELLINGWOOD to be very dedicated and aggressive in his religious pursuits. On one occasion, ELLINGWOOD attempted to convert KOZINSKI religiously. KOZINSKI declined ELLINGWOOD's effort to accept his religious views, and was of the opinion that ELLINGWOOD considered the matter closed. KOZINSKI stated that he is not particularly fond of people who make aggressive efforts to convert others to their religion, however, he considers ELLINGWOOD to be a man of excellent character and does not believe that ELLINGWOOD's religious belief would interfere with his judgment or objectivity in the performance of his official duties. KOZINSKI is not aware of any "talent bank" concept and stated that he would be surprised if ELLINGWOOD endorsed any policy which encouraged a quota system for federal employees based on religious affiliation.

KOZINSKI stated that he believes the appointee is healthy in every regard and has no financial problems. He does not know ELLINGWOOD to consume alcohol, and has never observed

WFO 161B-14852
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behavior that would indicate the use of illegal drugs or narcotics. KOZINSKI knew of no derogatory information concerning the appointee's character, reputation, associates, or loyalty to the United States. He highly recommended ELLINGWOOD for the position of Assistant Attorney General for the Office of Legal Policy.

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On July 9, 1985, Chief Judge HOWARD T. MARKEY, United States Court of Appeals for the Federal Circuit, Washington, D.C., was contacted by Special Agent (SA) [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

Judge MARKEY's court hears cases that come from the MERIT SYSTEMS PROTECTION BOARD (MSPB), of which the appointee is chairman. Judge MARKEY sees the appointee a great deal and has had routine contact with him over the last four years. Additionally, his clerks have routine contact with various administrative assistants at MSPB and Judge MARKEY routinely gives lectures to members of MSPB.

Judge MARKEY described the appointee as a very competent professional whom he admires very much. He has known ELLINGWOOD to be a dedicated public servant and his absence at the MSPB would undoubtedly be felt should he be appointed as Assistant Attorney General.

Judge MARKEY joined a bible study group to which ELLINGWOOD also belongs, however, because of other commitments, has been unable to attend. He is fully aware of ELLINGWOOD's religious commitments, but is unaware of any effort on the appointee's part to form a "talent bank" or encourage a manpower pool of potential government employees based on religious affiliation.

Although, Judge MARKEY has socialized with the appointee at official functions, he has made it a point not to routinely socialize with ELLINGWOOD because of the sensitivity of the relationship between his court and MSPB. Therefore, Judge MARKEY did not feel qualified to comment regarding the appointee's personal life. Judge MARKEY knew of no derogatory information concerning ELLINGWOOD's character, reputation, associates, or loyalty to the United States. He has never observed behavior that would indicate the excess use of alcohol or the use of illegal drugs or narcotics on the part of the appointee. He highly recommended ELLINGWOOD for the position of Assistant Attorney General for the Office of Legal Policy.

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On July 10, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in reference to the appointee, HERBERT EUGENE ELLINGWOOD.

DAVID AUSTERN, Director of Education of the Association of Trial Lawyers of America, stated that he has known the appointee for approximately four or five years on a professional basis. AUSTERN stated that he and the appointee see each other only intermittently approximately four or five times per year. He stated that, nonetheless, since he is an attorney he feels that he is in a position to comment on the legal ability of the appointee. AUSTERN stated the appointee is a superb attorney who is highly competent. AUSTERN further stated that the appointee's general knowledge of the law is very good and that his writing ability is also very good. AUSTERN stated that he is not in a position to comment on the appointee's courtroom experience but stated that from the contacts that he has had with the appointee, he believes that the appointee would be a natural in the courtroom and in front of the jury. AUSTERN stated that the appointee's writing ability is very good and that the appointee can articulate his points very well. He stated that the appointee's temperament and demeanor are very good and that he has observed the appointee under stress and has found that the appointee handles stress very well. AUSTERN advised that the appointee's professional ethics are very high and that the appointee is "very very" fair. AUSTERN further advised that he is not aware of any biases or prejudices that the appointee has against any class of citizen, any religious, racial or ethnic group. He stated that the appointee is very conservative in his views on civil rights but that he is not biased. He further stated that he is not aware of all the appointee's views on civil rights but reiterated that the appointee is conservative. AUSTERN stated that the appointee is very active in civic and professional activities and that the appointee is very committed to those activities. He stated that the appointee has received several awards from victim service groups and is not aware of the names of those awards but knows that the appointee has received them. AUSTERN stated that he absolutely recommends the appointee for a position of trust and confidence with the United States Government. AUSTERN further stated that the appointee's personal and professional reputation is "very very" good. AUSTERN commented favorably on the appointee's character, reputation, associates and loyalty and stated that he has not seen the appointee drink at all and had no indication that the appointee uses illicit drugs. AUSTERN could not provide any derogatory information concerning the appointee.

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On July 10, 1985 the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD.

DONALD SANTARELLI, SANTARELLI & BOND, stated that he has known the appointee since the late 1960's. SANTARELLI stated that they first met when the appointee was a lobbyist for the California State District Attorney's Association. He stated that their association since that time has been on both a professional and social basis and that at times they have practiced law together and have had a lot of experience working with each other. SANTARELLI advised that the appointee is extremely competent, honest, reliable and a person of the finest quality. SANTARELLI further stated that the appointee is an excellent attorney who is very lucid and excellent when it comes to writing about legal issues. SANTARELLI described the appointee as very articulate. SANTARELLI stated that he could not comment on the appointee's courtroom experience or his jury experience. SANTARELLI stated that the appointee has a great deal of experience in handling complex legal matters and is very able to handle those matters. SANTARELLI further stated that during the time he has known the appointee, the appointee has handled both criminal and civil matters and is well rounded in both areas. SANTARELLI advised that the appointee's temperament and demeanor is "unusually good for an attorney". He further stated that the appointee is "cooller than I", indicating that the appointee is very even tempered. He further stated that the appointee has the highest ethical standards, is a very fair person and is "prejudiced against criminals". SANTARELLI stated that the appointee is a very avid Christian and tends occasionally to "proselytize". SANTARELLI added that the appointee is not prejudice against any class of citizen, or any religious, racial or ethnic group. SANTARELLI advised that he is not entirely familiar with the appointee's views on civil rights but stated that the appointee is a "civil libertarian as opposed to a civil rightist". He stated that the appointee is considerably active in both civil and professional groups and believes the appointee has recently received an award but could not recall the exact name of it at this time. SANTARELLI stated that the appointee's personal and professional reputation is outstanding and that he enthusiastically recommends the appointee for a position of trust and confidence in the United States Government. SANTARELLI stated that the appointee is a true patriot who has never abused alcohol or used illicit drugs. SANTARELLI stated that there is no derogatory information concerning the appointee which he knows at this time. He lastly stated that the appointee is "intellectually conservative" and therefore is very controversial and will be as long as he remains in government.

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KHS:ldm

On July 5, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD.

JONATHON ROSE, Partner in the law firm of JONES & DAY, 655 15th Street, N.W., Washington, D.C., stated that he has known the appointee since 1981 on a professional basis. ROSE stated that he met the appointee when the appointee was Deputy Counsel at the White House. ROSE stated that he and the appointee have not had much contact since that time and that their time spent at the White House was not spent working closely together. ROSE stated that he did get to know the appointee somewhat and observed his work briefly while at the White House. ROSE stated that the appointee's legal ability was good and that he was a capable attorney. ROSE stated that the appointee has very good knowledge of the law and has fine writing ability. He could not comment on the appointee's courtroom experience, his jury experience or the types of cases handled. ROSE further advised that he did not observe the appointee handling complex legal matters but knows that he had experience in that area. He stated that the appointee's temperament and demeanor were fine and that he was a very likable person. He further stated that no questions ever came up as to the appointee's professional ethics and he found the appointee to be perfectly fair and even-handed. ROSE stated that he had never heard of any prejudices or biases that the appointee may have regarding any class of citizen, or any religious, racial or ethnic group. ROSE stated that he was not really familiar with the appointee's views on civil rights because they did not come up during the time that he worked with the appointee. He further stated that the appointee was very active in church matters and was not sure if he was active in any other ways. ROSE stated that he was not aware of any major awards or any major accomplishments that the appointee may have received or completed during the time that he has known him. ROSE stated that the appointee was thought highly of on a professional level and could not comment on the appointee's personal reputation. ROSE stated that with the limited contact that he has had with the appointee, he does not have the basis not to recommend the appointee and further stated that the appointee "seems to have the full confidence of the Attorney General and that is what it takes to have a job such as the one the appointee is being considered for." ROSE commented favorably on the appointee's character, reputation, associates, loyalty, and felt that the appointee would do a good job. ROSE stated that he had no indication that the appointee uses illicit drugs or abuses alcohol. ROSE could provide no derogatory information concerning the appointee.

WFO 161-14852
BPT:lr

On July 3, 1985, CHIP GRANGE, Attorney, Law Firm of GAMMEN and GRANGE, 1925 K Street, N.W., Washington, D.C., was contacted Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

GRANGE has known ELLINGWOOD for approximately three years as both men belong to the Christian Legal Society. GRANGE has not had a legal adversarial relationship with ELLINGWOOD; however, in the course of extended conversations regarding legal matters it is obvious that the appointee is extremely competent as regards his knowledge of the law. GRANGE has been on several panels with ELLINGWOOD and judged him to be a very effective speaker. GRANGE stated that he is aware that ELLINGWOOD's professional objectivity has been called into question because of his religious beliefs. It was GRANGE's opinion that ELLINGWOOD is most professional in the conduct of his business and his religious beliefs have enhanced his ability to deal effectively with complex issues. GRANGE knew the appointee to be exceptionally sensitive to the needs of people and conducted his personal and professional business appropriately. He has known the appointee to be healthy in every regard, have a wholesome family life and live within his means financially. ELLINGWOOD's personal associates are of equally high caliber. He has never known the appointee to consume alcohol nor use illegal drugs or narcotics. GRANGE knew no derogatory information concerning ELLINGWOOD's character, reputation, associates or loyalty to the U.S. He highly recommended the appointee for the position of Assistant Attorney General for Legal Policy.

WFO 161-14852
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On July 3, 1985, JAMES T. WATT, former Secretary of the Interior, currently with the Heritage Foundation, Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD. WATT has known ELLINGWOOD for approximately 15 years as both men belong to the Full Gospel Businessmen Group. WATT has no direct knowledge concerning the appointee's legal abilities, however, he knows of the appointee's reputation as an astute attorney. WATT stated that he holds ELLINGWOOD in the highest esteem and considers him to have a great depth of character, courage and commitment to the expression of basic Christian principles. WATT is aware of the extensive criticism that ELLINGWOOD has experienced and attributed the criticism as an assault from the liberal and destructive press whose only purpose appear to be to undermine ELLINGWOOD's effectiveness. WATT did not consider ELLINGWOOD to be bias in favor of Christians or prejudice against anyone who is not a Christian, but stated that he was convinced that ELLINGWOOD's religious beliefs enable him to be completely competent in his government employment. WATT stated that he was confident that ELLINGWOOD's religious beliefs and practices never have interfered with the official functions of ELLINGWOOD's Office.

WATT has known the appointee to be healthy in every regard, enjoys a well rounded personal life and to live within his means financial. He has never known him to consume alcohol or use illegal drugs or narcotics. WATT knew no derogatory information concerning the appointee's character, reputation, associates, and loyalty to the United States, and highly recommended him for the position of Assistant Attorney General for the Office of Legal Policy.

ORGANIZATIONS

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On July 3, 1985, CRAIG A. BERRINGTON, Assistant Deputy Undersecretary, EMPLOYMENT STANDARDS ADMINISTRATION, Washington, D.C., was contacted by SA [REDACTED] FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE, in regard to the appointee, HAROLD EUGENE ELLINGWOOD.

BERRINGTON stated that the EMPLOYMENT STANDARDS ADMINISTRATION does not have contact with the MERIT SYSTEMS PROTECTION BOARD and neither he nor the Deputy Undersecretary SUSAN R. MEISINGER have had personal or professional contact with the appointee.

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BPT:lr

On July 2, 1985, JOSEPH WOODWARD, formerly the Associate Solicitor of the Fair Labor Standards Labor Division, Office of the Solicitor, DEPARTMENT OF LABOR, Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

WOODWARD has recently left his position as Associate Solicitor after serving in that office for approximately three years. He stated that he had no contact with the appointee during his tenure as associate/solicitor and had no comment.

WFO 161B-14852
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On July 3, 1985, HAROLD D. KESSLER, Case Management Director, Office of the Executive Director, FEDERAL LABOR RELATIONS AUTHORITY, Washington, D.C., was contacted by SA [REDACTED] FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

KESSLER stated that his agency had no direct working relationship with the MERIT SYSTEMS PROTECTION BOARD and although he had met the appointee on several social occasions he, nor any other member of the FEDERAL LABOR RELATIONS AUTHORITY, had had professional contact with the appointee.

WFO 161-14852
BPT:lr

On July 1, 1985, ROBERT HONIG, Director for the Federal Government Service Task Force, House Office Building Annex, Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION (FBI), Washington Field Office (WFO), in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

HONIG has had no personal contact with the appointee, however, he is aware of ELLINGWOOD's reputation as a result of the appointee's position as Chairman of the Merit Systems Protection Board (MSPB). HONIG stated that he could make no comments concerning the appointee's character, ethics or qualifications for an Assistant Attorney General position in view of his lack of direct contact with the appointee. However, he stated that his task force was generally unhappy about the general conduct of the MSPB as he viewed it as a very weak entity within the Civil Service System.

HONIG was asked if he would like to comment in regard to any specific issues relevant to this background investigation and responded that he had no direct personal knowledge of the appointee but could only comment as to his opinion of the performance of the MSPB. HONIG emphasized that his organization and that of the appointee's were at odds politically and such political opposition should not reflect on the suitability of the appointee for the position of Assistant Attorney General for the Office of Legal Policy.

HONIG concluded by stating that there were no other personnel within his office that are familiar with the appointee.

WFO 161-14852
BPT:lr

On July 1, 1985, H. STEVEN GORDON, General Counsel for the National Federation of Federal Employees (NFFE), 1016 16th Street, N.W., Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD. GORDON does not know the appointee personally but is aware of ELLINGWOOD's position as Chairman of the Merit Systems Protection Board (MSPB). GORDON stated that it is the common perception among most federal employees that MSPB is pro-management and does not fairly represent the interest of the individual federal employee; however, he is of the opinion that such a perception is a normal consequence of dealing with controversial issues. GORDON concluded by stating that he has absolutely no derogatory information concerning the appointee's character, integrity, honesty, ethics or suitability for the position of Assistant Attorney General for the Office of Legal Policy.

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BPT:lr

On July 2, 1985, ED MURPHY, Legislation Counsel, National Association of Government Employees, was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

MURPHY stated that he is aware of the appointee only as a result of newspaper articles and public documents he has reviewed. MURPHY stated the appointee has the reputation as a very conservative man who holds fundamental religious beliefs; however, MURPHY had no reason to believe that the appointee's religious beliefs would be an impediment to ELLINGWOOD's effective execution of his official duties as Chairman of the Merit Systems Protection Board or as Assistant Attorney General.

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BPT:lr

On July 2, 1985, GRISHAM SMITH, Alternate Member, Wage Appeals Board, Office of the Undersecretary, DEPARTMENT OF LABOR, Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office in regard to the appointee, HERBERT EUGENE ELLINGWOOD. SMITH advised that the Wage Appeals Board does not have a mutual interest in cases that are considered by the Merit Systems Protection Board and therefore he had no comments concerning the appointee.

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BPT:lr

On July 2, 1985, ANTHONY T. PODESTA, National Director of People For The American Way (PFTAW), 1424 16th Street, N.W., Washington, D.C., was contacted by Special Agent [REDACTED] FEDERAL BUREAU OF INVESTIGATION, Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD. PODESTA stated that a representative from his organization has recently visited the White House and formerly opposed the appointment of ELLINGWOOD as the Assistant Attorney General for the Office of Legal Policy. PFTAW has been troubled by ELLINGWOOD's use of his good offices to advance his religious beliefs. Specifically, ELLINGWOOD is one of the Chief Advocates for a "Christian Talent Bank". PODESTA alleged that ELLINGWOOD conceived a philosophy that 25% of the American population is comprised of Christian Fundamentalists. These Christians do not include Presbyterians, Lutherans, Catholics and many other faiths. ELLINGWOOD has further purposed that a manpower pool be established for potential federal employee candidates made up of these fundamentalists. It is PODESTA's understanding that the "Talent Bank" has a 10 point political requirement which each candidate must satisfy before admission. PODESTA stressed that his organization is deeply concerned by anyone who has essentially assaulted the Merit System through a religious test. PODESTA knew of no specific instances in which government employees have secured their position through membership in the "Talent Bank".

PODESTA advised that his organization is also concerned about the part the appointee played in the GRETCHEN THOMAS affair, in which he understood that THOMAS made a loan to the Attorney General's wife, MRS. MEESE, and was subsequently given a position in the Merit Systems Protection Board. PODESTA continued that ELLINGWOOD has consistently abused his official duties through substantial travel at public expense for the purpose of promoting his aggressive religious views. As an example, ELLINGWOOD allegedly took a total of 10 weeks and six weeks of personal leave in 1982 and 1983 respectively in order to carry on the business of fundamentalist religious groups. Additionally, he alleged that there were an excessive number of international phone calls made at government expense from the Office of the Merit Systems Protection Board. The appointee is the International Director of the Full Gospel Business Men's Fellowship International Group, and as such, PODESTA maintained, used government telephones to conduct private business. PODESTA is under the impression all of these allegations have been investigated.

PODESTA concluded by stating that it was his understanding that ELLINGWOOD was rejected by the California

WFO 161B-14852

State Bar upon his nomination by then GOVERNOR REAGAN for a State Appellate Judgeship in 1974. PODESTA was not aware of the reason for ELLINGWOOD's rejection but expressed his concern about the rejection in view of ELLINGWOOD's current consideration for a much more important position as Assistant Attorney General.

RECORDS CHECKS

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WFO 161-14852
HRC:mag

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b7C
Third Party

On July 3, 1985, JOSEPH E. DIGENOVA, U.S. Attorney for the District of Columbia, U.S. District Court Building, Constitution and John Marshall Place, N.W., Washington, D.C., advised Special Agent (SA) [REDACTED] that he is not familiar with the appointee, HERBERT EUGENE ELLINGWOOD, either personally or professionally.

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GBM:gb

U.S. ATTORNEY'S OFFICE
555 4TH STREET, N.W.,
WASHINGTON, D.C.

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b7C
Third Party

On July 2, 1985, IA [] caused a search to be made of the pending and closed cases of the Criminal Division of the U.S. Attorney's Office. The following individuals advised that no identifiable record could be located regarding the appointee, HERBERT EUGENE ELLINGWOOD.

[] , Trial and Grand Jury
[] , Fraud and Major Crimes
[] , Closed and pending cases

On July 2, 1985, IA [] caused a search to be made of the pending and closed cases of the Civil Division of the U.S. Attorney's Office. [] advised that no identifiable record could be located regarding the appointee, HERBERT EUGENE ELLINGWOOD. It should be noted that the index system of the Civil Division, U.S. Attorney's Office contains only names of plaintiffs, except in civil actions brought by the United States against a particular defendant. Suits against government employees who are represented by the United States Attorney would be filed by plaintiff's name and docket number.

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Third Party

WFO 161B-14852
HRC:act

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On July 2, 1985, ROSE MILEO, Secretary, U.S. Attorney's Office, Washington, D.C., advised Special Agent (SA) [REDACTED] that the Principal Assistant U.S. Attorney, MR. RIODIN, is presently on vacation and would be unavailable for comment on the appointee, HERBERT EUGENE ELLINGWOOD.

WFO 161B-14852
KM:act

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On July 2, 1985, ARLENE HAHN, Office of Public Integrity, U.S. Department of Justice, advised IA [REDACTED] that no identifiable record could be located regarding the appointee, HERBERT EUGENE ELLINGWOOD.

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Third Party

WFO 161B-14852
KM:act

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On July 3, 1985, PEARLIE LEACH, Office of Security,
U.S. Department of Justice, Washington, D.C., advised IA [REDACTED]
[REDACTED] that no identifiable record could be located regarding the
appointee, HERBERT EUGENE ELLINGWOOD.

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Third Party

WFO 161B-14852
KM:act

1

On July 8, 1985, DONNA CONTI, Office of Professional Responsibility, U.S. Department of Justice, Washington, D.C., advised IA [REDACTED] that no identifiable record could be located regarding the appointee, HERBERT EUGENE ELLINGWOOD.

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Third Party

WFO 161B-14852
KHS:tmc

On July 3, 1985, a query was made in the Washington Area Law Enforcement computer (WALES) and it was determined that no record was located for the METROPOLITAN POLICE DEPARTMENT concerning the appointee or relatives.

It is to be noted that at all times an indefinite number of unidentified records may not be in the computer and not available for review.

On July 3, 1985, IA [] determined that no record was contained in the DEPARTMENT OF TRANSPORTATION, Bureau of Motor Vehicle Services, Government of the District of Columbia files concerning the appointee.

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b7C
Third Party

On July 3, 1985, IA [] searched the files of the UNITED STATES PARK POLICE and no identifiable adult criminal record could be located regarding the appointee or relatives.

IA [] caused a search to be made of the files of the U.S. SECRET SERVICE, DEPARTMENT OF THE TREASURY, and was advised on July 2, 1985, that no record was found concerning the appointee.

MISCELLANEOUS

WFO 161B-14852

KHS:mye

1

On July 1, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD:

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Third Party

JOYCE KEITH, Special Assistant to the Chairman at the Merit Systems Protection Board, stated that the appointee is currently in Dallas, Texas, and will remain there until July 9, 1985. She stated that since his departure, she has had daily contact with him. KEITH also stated that upon her next contact with the appointee, she will relay the FEDERAL BUREAU OF INVESTIGATION's (FBI) request for him to provide additional information concerning persons knowledgeable about the appointee.

STAFF REPORT OF THE SUBCOMMITTEE ON CIVIL SERVICE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE
ON THE HIRING OF GRETCHEN W. THOMAS
BY THE UNITED STATES MERIT SYSTEMS PROTECTION BOARD
JUNE 4, 1984

Introduction

Gretchen W. Thomas was hired as a GS-11 Attorney by the San Francisco Regional Office of the United States Merit Systems Protection Board (MSPB) in the late summer of 1982 and reported for duty on September 7, 1982. It was her first legal job after graduating from law school the previous December. The position for which she was hired was not advertised and no other applicants were considered, even though the San Francisco Regional Office was at the time advertising for attorney-examiners at the GS-12, GS-13, and GS-14 levels.

Gretchen Thomas is married to Edwin W. Thomas, who is the Administrator of Region IX of the General Services Administration in San Francisco. Mr. Thomas loaned Ursula Meese, the wife of Edwin Meese, \$15,000 in 1980. This loan was not reported on Mr. Meese's financial disclosure forms, as is required under the Ethics in Government Act of 1978. This omission led the Committee on the Judiciary of the United States Senate, which currently is considering the nomination of Edwin Meese to be Attorney General, to request the appointment of an Independent Counsel, prior to any action on the Meese nomination.

The Merit Systems Protection Board is charged with responsibility for adjudicating appeals from certain adverse actions taken against Federal employees, conducting special studies to ensure that "the public interest in a civil service free from prohibited personnel practices is being adequately protected," [5 U.S.C. 1205(a)(3)], and reviewing rules and regulations of the Office of Personnel Management (OPM) to ensure that they do not involve prohibited personnel practices. The MSPB must be an unquestioned defender of the merit system principles, contained in 5 U.S.C. 2301, to have credibility with the agencies and employees whose disputes it resolves. The importance of this role was recognized by MSPB Chairman Herbert E. Ellingwood in his response to the prehearing question during his confirmation proceedings of "What are the MSPB's most important functions?" Mr. Ellingwood responded, "Simply put, I believe the Board's most important functions are to . . . play an active role in protecting merit systems and merit principles from political and administrative abuse."

Upon learning of the employment of Gretchen Thomas by the Merit Systems Protection Board and in response to allegations of improper hiring practices, Chairwoman Patricia Schroeder of the Subcommittee on Civil Service, Committee on Post Office and Civil Service, United States House of Representatives, requested the

staff of the Subcommittee to investigate and determine whether the merit system principles were violated by the appointment of Gretchen Thomas. The Subcommittee on Civil Service has authorizing jurisdiction over the Merit Systems Protection Board and legislative jurisdiction over the merit system principles, enacted as part of the Civil Service Reform Act of 1978 (P.L. 95-454). A copy of the merit system principles are contained in Appendix A.

CONDUCT OF INVESTIGATION

The investigation was conducted by the staff of the Subcommittee on Civil Service, with Ellen Battistelli as the principal investigator for the majority and Stephen Hemphill as the principal investigator for the minority.

On March 20, 1984, Chairwoman Schroeder sent a letter containing 20 questions to A. Luis Lucero, the Regional Director of the San Francisco Regional Office of the Merit Systems Protection Board (Appendix B). On March 30, Paul E. Trayers, Legislative Counsel to the Board, responded (Appendix C). Many of the attachments referred to in that letter are contained as other appendices to this report. Some have been deleted in an effort to protect the privacy of applicants for employment and others have not been reproduced because they are not material to the report.

An addendum to Mr. Trayers' letter of March 30 was delivered on April 3, 1984 (Appendix D). Further, at the request of the Subcommittee staff, a list of the staff of the San Francisco office was provided on March 28 (Appendix E).

Ms. Battistelli and Mr. Hemphill conducted interviews in San Francisco on April 2 and 3, 1984, questioning fourteen of fifteen professional staff members of the San Francisco Regional Office. The one attorney not questioned was out of town on official travel. Among those questioned were Gretchen Thomas and A. Luis Lucero. Ms. Battistelli conducted further interviews in San Francisco on April 4.

Interviews were subsequently conducted in Washington, D.C. Ms. Battistelli and Mr. Hemphill interviewed Richard Redenius, the Managing Director of MSPB, on April 10 and Chairman Herbert E. Ellingwood on April 12. Andrew A. Feinstein, the Staff Director of the Subcommittee on Civil Service, and Mr. Hemphill interviewed Jacqueline Bradley, the Assistant Managing Director for Regional Operations, on April 30. Also on April 30, Mr. Feinstein interviewed Frederick L. Foley, Director of the Office of Personnel, and E. Al Simpson, Director of the Operations Division of the Office of Personnel.

This report summarizes the findings of the majority staff. It has not been officially approved by the Subcommittee and, therefore, may not necessarily reflect the views of all of its members.

FINDINGS

1. Herbert E. Ellingwood, Chairman of the Merit Systems Protection Board, has been a close friend of Edwin and Gretchen Thomas, as well as of Edwin and Ursula Meese, for at least 15 years. Mr. Ellingwood worked with Edwin Thomas in the administration of then California Governor Ronald Reagan. Mr. Ellingwood and Mr. Meese were college classmates at Yale, served together in the Army, and literally worked side-by-side in the District Attorney's office in Alameda County, California. A copy of the biographical and financial information provided by Mr. Ellingwood to the Senate Committee on Governmental Affairs for his confirmation proceedings in 1982 (Appendix F).

2. Gretchen Thomas was a student at San Diego Law School when Ronald Reagan was sworn in as President. When her husband, Edwin, moved to Washington, D.C., in the late spring of 1981, she accompanied him and finished her law school course work at the Columbus School of Law, Catholic University, Washington, D.C. As part of her coursework, Ms. Thomas became a legal intern for Mr. Ellingwood, then a Deputy Counsel to the President. Ms. Thomas worked for Mr. Ellingwood from late August 1981 through December 1981, averaging eight to ten hours a week. She received no compensation for this internship, but did receive academic credit. Appendix G contains the correspondence between Catholic University and the White House concerning Ms. Thomas' internship. Ms. Thomas graduated from San Diego Law School in December 1981. Her husband returned to California shortly thereafter when he was appointed Regional Administrator of Region IX of the General Services Administration in San Francisco on March 1, 1982. Ms. Thomas took the California bar examination in February 1982 and was admitted to the bar in June of that year.

3. Sometime in March or April of 1982, Gretchen Thomas travelled to Washington. She had a lengthy meeting with Mr. Ellingwood, who was serving as Chairman of the Merit Systems Protection Board, in his office at MSPB. On December 14, 1981, President Reagan had nominated Mr. Ellingwood to be Chairman of MSPB and, since Congress was out of session, exercised his prerogative to make recess appointments by appointing Mr. Ellingwood to serve as Chairman pending his confirmation by the Senate. Mr. Ellingwood's recess appointment became effective on December 18, 1981. He was not confirmed by the Senate until May 6, 1982. According to both Ms. Thomas and Mr. Ellingwood, during the course of the conversation between them, the topic of Ms. Thomas' future plans came up. Mr. Ellingwood suggested that she pursue trial practice, but Ms. Thomas said she would prefer less taxing work. Mr. Ellingwood then suggested a position with the Attorney General of the State of California. Mr. Ellingwood recommended the name of a man she could call there. Ms. Thomas called the man and found out that no job would be available until October. Mr. Ellingwood also suggested work at the Merit Systems Protection Board. Over the next several months, Mr. Ellingwood

kept tabs on her job search. In June or July of 1982, Mr. Ellingwood once again inquired about her interest in working at MSPB. At this point, Ms. Thomas expressed interest and sent copies of her resume to Mr. Ellingwood and to the San Francisco Regional Office of MSPB. On this resume (Appendix H), Ms. Thomas stated that she was in the top third of her law school class. This superior law school credential was essential to justify a GS-11 position for an inexperienced attorney, pursuant to government-wide regulations on the hiring of entry level attorneys. It is not clear who told Ms. Thomas of the necessity of including this qualification on her resume.

4. The Merit Systems Protection Board was created in 1979 by Reorganization Plan No. 2 of 1978 (92 Stat. 3783) and the Civil Service Reform Act of 1978. Organizationally, the MSPB was created by consolidating the Federal Employees Appeals Authority and the Appeals Review Board of the old Civil Service Commission. The initial employees of each regional office had come out of the old Federal Employees Appeals Authority. Once the Board was on its own, it made some important changes. One change was to require all presiding officials to be attorneys. This led to the attrition of a number of the Appeals Authority employees. This substantial change in the agency created major transitional management problems and also led to a deterioration in morale in the regional offices. The insecurity which this change caused in regional offices was heightened by the autocratic management style of Paul D. Mahoney, who was, until early 1982, the Deputy Managing Director, with responsibility for the regions.

5. On April 26, 1982, A. Luis Lucero became Regional Director of the San Francisco Regional Office. He had formerly been the Regional Director in Seattle. Mr. Lucero took over the San Francisco office at a critical time. He was the fourth regional director since the office opened in late 1979. The office had a history of management problems, a massive backlog of cases, and a huge workload. The office was understaffed and housed in one large room, with partitions providing the only privacy for the attorneys in the office. At the time of his appointment as Regional Director, Mr. Lucero faced 1,490 pending air traffic controller appeals, hundreds of backlogged non-air traffic controller cases, and 85 to 90 incoming cases each month. Prior to Mr. Lucero's appointment, the San Francisco office had gone through three regional directors. Bert J. Deutsch, the first Director, resigned in December 1981. David Corsi, a presiding official, was Acting Regional Director for two months until Lawrence E. Shearer became Acting Regional Director in February 1982. He was replaced by Mr. Lucero. Mr. Lucero had initially been hired from the Equal Employment Opportunity Commission (EEOC) in Seattle by Jacqueline Bradley, who was then Acting Regional Director for Seattle, in July 1980. Mr. Lucero had become the Seattle Regional Director in November 1980. His performance there led to his selection as the Regional Director of the San Francisco region, which is much larger than the Seattle region.

6. Richard Redenius worked out of the Office of Management and Budget on the task force drafting the legislation which was to become the Civil Service Reform Act of 1978. He started with the Merit Systems Protection Board when it opened its doors on January 11, 1979. He has been the Board's first and only Managing Director. In 1982, he had two operating managers reporting to him: Jacqueline R. Bradley, the Assistant Managing Director for Regional Operations, and Paul D. Mahoney, the Assistant Managing Director for Management. Mr. Mahoney, who previously had authority over the regions, had been stripped of that authority. The United States Court of Appeals for the District of Columbia severely criticized Mr. Redenius in reversing his removal of the Chief Appeals Officer of the Washington Field Office of the Merit Systems Protection Board. In its decision in Lanphear v. Prokop, 703 F.2d 1311 (1983), the court questioned Mr. Redenius' credibility and castigated his handling of the removal (Appendix I).

7. Although Mr. Redenius, together with Ms. Bradley and Mr. Ellingwood, hired Mr. Lucero as Regional Director, Mr. Redenius said he had serious questions about Mr. Lucero's ability to handle the job. According to Mr. Redenius, Mr. Lucero would have to prove himself: "He would not just get a free ride." Mr. Redenius said that he was ready to fire Mr. Lucero in February 1984 but, because of congressional and media interest in the Gretchen Thomas case, he was now unable to take such an action. Mr. Redenius did concede that the San Francisco office had met the major hurdles of completing its air traffic controller cases and reducing its backlog under the leadership of Mr. Lucero.

8. Within a week of receiving Ms. Thomas' resume, Mr. Ellingwood gave a copy of it to Richard Redenius, Managing Director of MSPB. Chairman Ellingwood and Mr. Redenius both say the resume was transmitted without recommendation and in a non-directive manner. Chairman Ellingwood states that he has given perhaps two dozen resumes to MSPB office directors, all without recommendations. The Subcommittee has asked for a list of those resumes; Chairman Ellingwood has said he kept no records. The Subcommittee has identified only two other individuals whose resumes were passed along by Mr. Ellingwood. In one case, a young lawyer Mr. Ellingwood knew from the Christian Legal Society wrote to Mr. Ellingwood regarding a job. The resume found its way to the San Francisco Regional Office, but the individual was neither interviewed nor hired. In the other case, the resume of Barbara J. Benjamin, who had worked at the Interstate Commerce Commission, was passed along to Jacqueline Bradley, Assistant Managing Director for Regional Operations. Ms. Bradley hired Ms. Benjamin as a GM-14 Attorney in her office. Ms. Bradley states she knew that Ms. Benjamin and Mr. Ellingwood were involved in religious activities together.

9. On August 3, 1981, over 11,000 air traffic controllers went out on strike against the government. Striking against the government is prohibited by section 7311 of title 5, United States

Code. A few days later, they were all fired for participating in this action. By the winter of 1982, it was clear that the MSPB would be deluged with appeals from over 11,000 fired controllers. The Administration responded to MSPB's pleas for additional resources by requesting a supplemental appropriation of \$4 million to fund additional full-time positions at MSPB to handle the air traffic controller workload. Although this supplemental request was transmitted as part of the President's budget on February 8, 1982, final congressional action did not occur until mid-July. Indeed, in a continuing resolution passed on December 15, 1981 (P.L. 97-92), MSPB and certain other agencies had suffered a 15% across-the-board cut retroactive to October 1, 1981. So, in the midst of cancelling travel and new hirings, and planning furloughs, top officials at the Merit Systems Protection Board began to develop plans to hire quickly additional staff once the supplemental appropriations bill became law. To be able to bring staff on board quickly so that the full appropriations could be utilized, hiring authority was decentralized to the regional directors and administrative officers. While each office would be able to do its own hiring, final approval of each new hire remained at headquarters and slots continued to be allocated by the Managing Director, Mr. Redenius. Because regional directors and administrative officers were inexperienced in hiring, Frederick L. Foley, the Acting Director of the Personnel Management Division, distributed a memorandum on the recruitment of attorney-examiners to these individuals on March 9, 1982. This memorandum, which is Appendix J, described the use of vacancy announcements, the length of time an announcement should remain open, the qualification requirements for appointees, the use of ranking factors, and the procedure for final approval by headquarters.

10. Attorney positions in the Federal government are excepted from the competitive service because they are positions "for which it is not practicable to examine" [5 C.F.R. 213.3101(a)]. This exception is imposed by an appropriations restriction which has been in effect since 1944. The legislation was a reaction to an effort by President Franklin D. Roosevelt to place attorneys in the competitive service. His effort grew out of a Report of the President's Committee on Civil Service Improvement [House Document No. 118, 77th Congress, 1st Session (1941)]. Acting on that report, President Roosevelt created, by Executive order, a Legal Examining Board, to test attorneys and bring them into the competitive service. In 1944, Congress acted to bar the Civil Service Commission from setting up such a Legal Examining Board and has extended the ban every year since. According to a 1979 Justice Department memorandum (Appendix K) to Alan K. Campbell, Director of the Office of Personnel Management, OPM can have no role in requiring agencies to use any sort of a numerical rating system with regard to attorney hiring. On the other hand, the Justice Department memorandum points out that

. . . it should be noted that while OPM is barred by its appropriation legislation from implementing attorney

examination systems, this bar does not extend to other agencies, not similarly restricted, that might wish to implement or experiment with rating or other examining systems in their own attorney hiring procedures.
[Attachment to Federal Personnel Manual Letter 302-5, page 11 (1979)]

While attorney positions are excepted from competitive examination, they remain covered by the merit system principles, particularly the first one which reads

Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity. [5 U.S.C. 2301(b)(1)]

Open competition and competitive selection apply with equal vigor to the appointment of attorneys in the Federal service as they do to the appointment of competitive service employees. The congressional ban merely prohibits the Office of Personnel Management from establishing a uniform examination and requiring agencies to select attorneys from registers.

11. On April 2, 1982, the San Francisco Regional Office of the Merit Systems Protection Board published vacancy announcement number 82-10 for attorneys at the GS-12, GS-13, and GS-14 levels (Appendix L). For the lowest advertised grade, a GS-12, the applicant was required to be a law school graduate, have a membership in a bar, and either have two years of professional legal experience, or an LL.M. plus one year of legal experience, or superior law student work plus one year of legal experience. These requirements are set in MSPB Order No. 1412.1 (Appendix M). The job announcement was distributed widely through local bar associations, law schools, and minority and women's groups, as well as the normal OPM distribution network. This vacancy announcement was to fill the three slots which were to be allotted to the San Francisco Regional Office once the supplemental appropriations bill became law. The Regional Office was only interested in hiring experienced attorneys because only those at the GS-13 level and above were permitted to handle MSPB cases involving the removal of Federal workers. All 11,000 air traffic controller cases were such removal cases. No GS-11 position was advertised or contemplated.

12. During April 1982, at least 15 resumes and SF-171s (the Federal government's standard job application form) of attorneys came into the San Francisco Regional Office in response to the vacancy announcement. It is exceptionally hard to recreate the selection process because the files are confused and incomplete. The Subcommittee has been provided with the following: 20 resumes or SF-171s received in response to the vacancy announcement; a

list of 14 people interviewed a total of 18 times; a contemporaneous listing of 20 SF-171s, which contains the names of six individuals for whom no SF-171s were provided; and copies of seven letters sent by Mr. Lucero to applicants, five of which went to individuals whose names did not appear on the contemporaneous list and for whom no resumes were supplied. The entire recruitment and selection process extended from April through August of 1982. While most SF-171s arrived during April, immediately after the posting of the vacancy announcement, others came in later. Indeed, two of the four individuals ultimately hired for permanent positions sent in their SF-171s in late June and late July, respectively.

13. Lawrence Shearer, who was Acting Regional Director until late April 1982, interviewed three candidates, one of whom was Jennifer Gee, one of the four finally hired. Between May and June, A. Luis Lucero, the new Regional Director, reinterviewed Ms. Gee and the other two applicants already interviewed by Mr. Shearer, and interviewed ten more job seekers, including LuNell Anderson, who was also hired in August. Besides Ms. Gee and Ms. Anderson, Samuel A. Vitaro and Gretchen Thomas would be hired. Mr. Vitaro was recruited by Mr. Lucero who knew him from working with him at the Equal Employment Opportunity Commission in Seattle. Mr. Vitaro sent Mr. Lucero his resume on June 28. He was not interviewed in person, although the recommendations he provided were superb. Ms. Thomas' resume did not reach the San Francisco office until July 28 and Mr. Lucero did not interview her until early August. However, Mr. Lucero had been on the lookout for Ms. Thomas' resume for quite some time, having been alerted to it by Chairman Ellingwood.

14. Chairman Ellingwood visited the San Francisco Regional Office at the time Mr. Lucero became Regional Director on April 26, 1982. One of the things Mr. Ellingwood was doing in San Francisco was lobbying Edwin Thomas, the GSA Regional Administrator, for better office space for the MSPB Regional Office. The San Francisco Regional Office had long been housed in a single room which was divided by partitions. The Board sought space which afforded private offices for the attorneys. Chairman Ellingwood introduced Mr. Lucero to Mr. Thomas during that visit. During the meeting between Edwin Thomas, Herbert Ellingwood, and A. Luis Lucero, the three discussed Gretchen Thomas and the fact that she was a recent law school graduate looking for a job. In June, GSA informed MSPB that it had arranged for a substantial improvement in office space for the MSPB Regional Office. The Regional Office moved in September 1982.

15. Mr. Lucero remembers a number of conversations between Chairman Ellingwood and himself subsequent to their meeting in late April and prior to the hiring of Ms. Thomas in early August. During each of those conversations, Mr. Ellingwood mentioned the job search of Gretchen Thomas. Mr. Lucero believed that Mr. Ellingwood wanted Gretchen Thomas hired by the San Francisco Regional Office. At one point, Mr. Lucero told Mr. Ellingwood

that Ms. Thomas did not have the necessary qualifications for any available job in San Francisco. According to Mr. Lucero, Mr. Ellingwood indicated that this did not matter and that Mr. Lucero should "back off."

16. In early June of 1982, Chairman Ellingwood, Mr. Redenius, and Ms. Bradley met to discuss the imminent hiring surge planned by the Board as soon as the supplemental appropriations bill became law. The discussion revolved around building a balanced workforce. Since the new hiring of 54 people would be a large augmentation of the Board, the three discussed equal employment opportunity representation. According to the Affirmative Action Program Plan of the Board, submitted to EEOC on December 17, 1981, Hispanics were grossly underrepresented at the Board. The regional offices had a total workforce of 148, but only had five Hispanic employees. Ms. Bradley was tasked with calling the regional directors to find out who each of the regional offices planned to hire.

17. Mr. Lucero informed his Washington superior, Jacqueline Bradley, that his goal was to hire the best qualified, most experienced individuals he could find. He said he planned to hire Jennifer Gee, Samuel Vitaro and a 44 year old Hispanic woman, who shall be called Ms. A to protect her privacy, for his three new slots. All three had recent experience with the Equal Employment Opportunity Commission, Mr. Vitaro in Seattle and the other two in San Francisco. Ms. Gee, 33, was hired as a GS-13, the same grade as the job she held at the San Francisco office of the EEOC as a trial attorney. She had worked at EEOC since 1972. Mr. Vitaro, 39, was hired as a GS-14, the same grade he held in the Seattle office of EEOC. He had worked at EEOC since 1978. Ms. A was born in 1937, the same year as Gretchen Thomas. Like Ms. Thomas, she had returned to school in her late 30's to become a lawyer. She had received honors in law school and, most importantly to Mr. Lucero, she had two years of litigation experience in a private firm after leaving EEOC, where she worked from 1974 to 1980. Ms. A was to be hired as a GS-12.

18. On July 20, 1982, Ms. Bradley called Mr. Lucero and told him to hold up on the hiring, according to both Ms. Bradley and Mr. Lucero. Mr. Redenius had a problem with Mr. Lucero's decision to hire all his new employees from the EEOC and wanted other individuals considered. Indeed, Mr. Redenius told Subcommittee investigators that he was not going to sit still while all these people were being brought in from EEOC. He reported he had a similar problem with the Philadelphia Regional Office and a related problem in Boston, where the Regional Director was hiring people who had worked for labor unions. Mr. Redenius said his problem was the mix of employees and that the bad management features of EEOC might be imported into MSPB. Mr. Redenius also said it was his policy to have a mix of experience and grade levels among attorneys at MSPB. Ms. Bradley said that such a policy was important for the future of the organization. Mr. Lucero, however, said he was never informed that there was such a

policy. He said that such a policy would undercut the ability of the regional offices to process their cases in a timely manner. A number of employees of the San Francisco Regional Office expressed the belief that EEOC employees were considered too liberal for the conservative Chairman, Mr. Ellingwood. Ms. Bradley told Mr. Lucero that Mr. Redenius was coming out to San Francisco to interview Mr. Lucero's candidates. While Mr. Redenius did come to San Francisco to interview two of the candidates selected by Mr. Lucero, he made no similar visits to Philadelphia or Boston.

19. Mr. Redenius arrived in San Francisco late on July 26, 1982, and interviewed Ms. A and Ms. Gee on July 27. He told Mr. Lucero that he liked Ms. Gee better and that he was concerned about too many appointees coming from EEOC. Mr. Redenius said he did not believe that Ms. A had the necessary professional experience and that other applicants should be considered. Mr. Redenius denies that he ordered Mr. Lucero to withdraw his offer to Ms. A. Nevertheless, Mr. Lucero understood that to be the message and telephoned Ms. A to tell her that he was forced by headquarters to withdraw his offer. Mr. Lucero then offered his third slot to LuNell Anderson instead. Ms. Anderson was a 33-year old lawyer who had worked as a GS-14 for the Board of Immigration Appeals of the Department of Justice. She had worked for the government since 1975. She was offered a position as a GS-13.

20. The resume of Gretchen Thomas arrived in the mail at the San Francisco Regional Office on July 26, 1982. This was just prior to Mr. Redenius' visit. Neither Mr. Redenius nor Mr. Lucero can remember whether Mr. Redenius brought a copy of Ms. Thomas' resume to San Francisco with him. Both suggest it is possible. At the time, no GS-11 position had been advertised and none was being considered in the San Francisco Regional Office.

21. After Mr. Redenius' visit, Mr. Lucero was angry and upset. He was upset because he had to withdraw the offer he had already made to Ms. A. Mr. Lucero was upset because Mr. Redenius was undercutting Mr. Lucero's authority. Mr. Lucero felt that Mr. Redenius was involving himself in the hiring decisions of the San Francisco office, prerogatives which Mr. Lucero had been led to believe belonged to him. And, Mr. Lucero was upset because he felt pressure to hire Gretchen Thomas. When Ms. Thomas' resume arrived on July 26, Mr. Lucero called Ms. Bradley and asked whether Gretchen Thomas was a "must hire". Ms. Bradley recognized that this was an unusual question. Indeed, it was the first and only time in her career as a manager that this question had been asked. She told Mr. Lucero she would get back to him.

22. Ms. Bradley then had a meeting with Mr. Redenius. While neither Ms. Bradley nor Mr. Redenius can pin down the exact date, it occurred sometime between the time Mr. Redenius returned to Washington on July 28 and August 16, the day the San Francisco office sent the request for the appointment of Gretchen Thomas into headquarters. Neither participant in the meeting has a clear recollection of what was said. Ms. Bradley did say it would be

uncharacteristic of Mr. Redenius to order her to tell Mr. Lucero to hire Ms. Thomas. Mr. Redenius said, "I'm much too cautious" to say who must be hired. Nevertheless, immediately after the meeting, Ms. Bradley called Mr. Lucero to tell him that Ms. Thomas was a "must hire" but that an additional slot would be provided to San Francisco, so that Mr. Lucero would not have to renege on another commitment. Both Mr. Redenius and Ms. Bradley state that this extra slot was added to mollify Mr. Lucero. Clearly, Mr. Lucero was delighted to receive the additional staff slot because he needed the people to process his cases. He was concerned, however, that Ms. Thomas was not able, due to her grade, to adjudicate air traffic controller and other removal cases. Mr. Redenius told Subcommittee investigators that Ms. Bradley misunderstood his instructions and the message that Ms. Thomas was a "must hire" was Ms. Bradley's mistake. Ms. Bradley ended her conversation with Mr. Lucero by saying, "I guess this is the price you have to pay for nice office space," referring to the fact that Ms. Thomas' husband, Edwin, had arranged better office space for MSPB-in San Francisco. No vacancy announcement had been made for a GS-11 position, the grade being offered to Ms. Thomas, and consequently, no other applicants for a GS-11 position were considered. Mr. Lucero did interview Ms. Thomas during the week of August 2, 1982. However, he retained no notes of that interview. In answer to the question of why Ms. Thomas was hired for a position especially created for her, Paul E. Trayers, Legislative Counsel to MSPB, stated in a letter to Chairwoman Schroeder on April 3, 1984,

Mrs. Thomas was one of four applicants selected for newly established attorney positions in the San Francisco Regional Office. She was chosen consistent with the Board's overall appointment plan to hire candidates with diversified backgrounds and experience levels who could fill various attorney-examiner grades in that office. That assessment was based on the Board's obligation to adjudicate not only the expected ATC [air traffic controller] appeals but also the relatively routine appeals which would otherwise constitute the bulk of the regional office's case load. It was incumbent on the Board to distribute its resources in a cost-effective manner which required balancing the need to process adverse action appeals by experienced attorney-examiners and routine cases by entry level attorneys.

It is in this context that Mr. Redenius became involved in the hiring practices of several regional offices including the San Francisco Regional office. Because of his concern that these recruiting goals were not being adequately addressed in those offices, he reviewed some of the applications personally and became involved in interviewing several candidates. His involvement in San Francisco led him to dissuade Mr. Lucero from hiring some of the applicants and to

reconsider others. He also concluded based on previous backlogged problems in San Francisco that an additional attorney-examiner position should be allocated.

23. When the paperwork for Ms. Thomas came to Washington on August 16, 1982, E. Al Simpson, Director of the Operations Division of the Office of Personnel, reviewed it for the GS-11 appointment. The Federal Personnel Manual, published by OPM, requires the hiring of most entry level attorneys as GS-9s (Appendix N). Individuals can only be hired at GS-11 if they meet a superior law student requirement, including "Academic standing in the upper third of the law school graduating class." The resume of Ms. Thomas stated that she "graduated in approximately top third of class." Neither the San Francisco office nor headquarters of MSPB made any effort to verify the accuracy of this claim. Due to privacy considerations, Subcommittee investigators were unable to verify this claim, as well. Mr. Frederick L. Foley, the Director of the Office of Personnel, states that hiring was going on at such a rapid pace during August of 1982 that it was impossible to verify the qualifications of any applicant. The job of the Personnel Office was to check to make sure the qualifications on paper were sufficient to meet the regulatory requirements.

24. Gretchen Thomas, Samuel Vitaro, LuNell Anderson, and Jennifer Gee all entered on duty on September 5, 1982. Ms. Thomas' initial pay was \$23,566. Mr. Vitaro was a GS-14, Ms. Anderson and Ms. Gee were GS-13s. Ms. Thomas was the only permanent GS-11 attorney in the agency nationwide. All reported to Washington for two days of training at a "refresher course for federal attorneys in the art of writing clearly and succinctly with a review of legal citation as found in the Harvard Bluebook. Course will aid in improving employee skills in legal writing and citing the law." Ms. Thomas received a periodic within grade increase in September 1983 and was promoted to a GS-12 on October 2, 1983. This raised Ms. Thomas' pay from \$25,325 to \$29,374. Both Ms. Anderson and Ms. Gee had expected promotions around this time, but did not receive them until March 25, 1984, and April 15, 1984, respectively. These promotions occurred simultaneously with the advent of this investigation. Ms. Thomas received her performance appraisal on September 2, 1983, which rated her as "Fully Satisfactory", the middle rating on a five point scale (Appendix O). Mr. Lucero, Ms. Bradley, and Mr. Redenius all agree that it was the decision of Mr. Lucero alone to promote Gretchen Thomas.

25. As of April 4, 1984, Mr. Vitaro, Ms. Gee, Ms. Anderson, and Ms. Thomas continue to work at the San Francisco Regional Office. Mr. Lucero remains Regional Director, although Mr. Redenius told Subcommittee investigators that he had been planning on firing Mr. Lucero and that this investigation would probably prevent him from doing so.

LIST OF APPENDICES

- A Merit system principles (5 U.S.C. 2301).
- B Letter from Rep. Pat Schroeder, Chairwoman, Subcommittee on Civil Service, to A. Luis Lucero, Regional Director, MSPB San Francisco Region, March 20, 1984.
- C Letter from Paul E. Trayers, Legislative Counsel to Merit Systems Protection Board, to Rep. Pat Schroeder, March 30, 1984.
- D Letter from Paul E. Trayers, Legislative Counsel to Merit Systems Protection Board, to Rep. Pat Schroeder, April 3, 1984.
- E List of employees at San Francisco Regional Office, MSPB, March 28, 1984.
- F Biographical and Financial Information concerning Herbert E. Ellingwood, submitted to Committee on Governmental Affairs, United States Senate, March 18, 1982.
- G Correspondence between the White House and Catholic University concerning internship of Gretchen Thomas, Fall, 1981.
- H SF-171 and resume of Gretchen W. Thomas dated, June 29, 1982.
- I Lanphear v. Prokop, 703 F.2d 1311 (1983).
- J Memorandum of Frederick L. Foley, Acting Director, Personnel Management Division, to Regional Directors and Administrative Officers and Assistants, MSPB, concerning recruitment of attorney-examiners, March 9, 1982.
- K Federal Personnel Manual Letter 302-5 on Exemption of Attorney Positions from Procedural Requirements for Appointments in the Excepted Service, containing Memorandum for Alan K. Campbell, Director of Office of Personnel Management, from Assistant Attorney General John M. Harmon, April 10, 1979.
- L Merit Systems Protection Board Vacancy Announcement 82-10, for Attorney-Examiners, GS-905-12/13/14, at San Francisco Regional Office, April 2, 1982.

- M Merit Systems Protection Board Order No. 1412.1,
concerning policy and procedures for the employment and
advancement of attorneys. February 2, 1981.
- N Subchapter 3 of Chapter 930, Federal Personnel Manual,
"Hiring Pattern for Entrance-Level Attorney and Law
Clerk Positions," December 31, 1980.
- O Performance Appraisal of Gretchen W. Thomas,
Attorney-Examiner, GS-11, San Francisco Regional Office,
Merit Systems Protection Board, September 2, 1983.

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CHAPTER 23—MERIT SYSTEM PRINCIPLES

Sec.

- 2301. Merit system principles.
- 2302. Prohibited personnel practices.
- 2303. Prohibited personnel practices in the Federal Bureau of Investigation.
- 2304. Responsibility of the General Accounting Office.
- 2305. Coordination with certain other provisions of law.

§ 2301. Merit system principles

(a) This section shall apply to—

- (1) an Executive agency;
- (2) the Administrative Office of the United States Courts; and
- (3) the Government Printing Office.

(b) Federal personnel management should be implemented consistent with the following merit system principles:

(1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

(2) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(3) Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

(4) All employees should maintain high standards of integrity, conduct, and concern for the public interest.

(5) The Federal work force should be used efficiently and effectively.

(6) Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

(7) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

- (8) Employees should be—
- (A) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
 - (B) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
- (9) Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences—
- (A) a violation of any law, rule, or regulation, or
 - (B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- (c) In administering the provisions of this chapter—
- (1) with respect to any agency (as defined in section 2302(a)
 - (2) (C) of this title), the President shall, pursuant to the authority otherwise available under this title, take any action, including the issuance of rules, regulations, or directives; and
 - (2) with respect to any entity in the executive branch which is not such an agency or part of such an agency, the head of such entity shall, pursuant to authority otherwise available, take any action, including the issuance of rules, regulations, or directives; which is consistent with the provisions of this title and which the President or the head, as the case may be, determines is necessary to ensure that personnel management is based on and embodies the merit system principles. (Pub. L. 95-454, Oct. 13, 1978, 92 Stat. 1113.)

PATRICIA SCHROEDER, COLO., CHAIRWOMAN

MORRIS R. UDALL, ARIZ.
KATIE HALL, IND.
GERRY SIKORSKI, MINN.CHARLES PASHAYAN, JR., CALIF.
FRANK R. WOLF, VA.

U.S. House of Representatives

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

SUBCOMMITTEE ON CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, D.C. 20515

TELEPHONE (202) 225-4025

March 20, 1984

Mr. A. Luis Lucero
Regional Director
U.S. Merit Systems Protection Board
525 Market Street
San Francisco, California 94105

Dear Mr. Lucero:

The House Civil Service Subcommittee is extremely interested in the circumstances surrounding the employment of Ms. Gretchen Thomas, an attorney-examiner with the San Francisco Regional Office of the Merit Systems Protection Board. We request copies of all materials related to the hiring of Ms. Thomas for this position. Specifically, please provide the following information:

- 1) Any documentation that established the job including an explanation of how the job was established and who established it.
- 2) Whether this was an existing position that became vacant or a newly created slot. If it was an existing position, please provide information on who held the job previously and why and when this individual left.
- 3) A copy of the SF 52 and any notes, records, or correspondence associated with the Request for Personnel Action (SF 52).
- 4) A copy of the job announcement for this particular position and copies of all other job announcements for all similar positions in the San Francisco Regional Office during the last two years.
- 5) A copy of the position description with the OF-8 cover form.
- 6) A copy of Ms. Thomas' application, her SF-171, and all other supporting documentation and records.
- 7) A copy of all other applications for the position, the SF-171's of these applicants, and any supporting documentation and records.
- 8) A complete description of the selection process involved and a copy of the MSPB regulations governing selections under FPM Chapter 335.

Mr. A. Luis Lucero
Regional Director
U.S. Merit Systems Protection Board
March 20, 1984
Page 2

- 9) A copy of the crediting plan for the position and any documentation that supports the validity of this crediting plan including a job analysis and any pilot tests with the crediting plan.
- 10) Which individual developed the crediting plan.
- 11) The individual or individuals who rated Ms. Thomas' application, as well as the individual or individuals who rated each of the other applications.
- 12) A description of how Ms. Thomas' application was received. Please provide a complete list of all individuals within MSPB who had contact with Ms. Thomas during the application and selection process indicating the type of contact involved.
- 13) A complete description of the distribution of the job announcement including a list of every individual and group sent an announcement and where and when each announcement was posted.
- 14) A copy of the recruiting plan for the announcement.
- 15) The raw scores and final ratings for each applicant and any notes and documents associated with the rating and ranking process.
- 16) The identity of each individual interviewed for the job and the location and date each interview took place. The identity of the MSPB official who conducted each interview. Please provide copies of all interview notes and records.
- 17) Copies of all letters and forms that went out to those who applied regarding the selection or non-selection for the position; include copies of all correspondence with Ms. Thomas.
- 18) A description of the date and format in which you notified the headquarters of MSPB of the selection of Ms. Thomas. Please provide copies of any materials related to this notification.
- 19) Copies, records or notes of all communication between the regional office and anyone pertaining to the application and hiring of Ms. Thomas including anything from Edwin Meese and Herbert Ellingwood.

Mr. A. Luis Lucero
Regional Director
U.S. Merit Systems Protection Board
March 20, 1984
Page 3

20) A complete explanation of why Ms. Thomas was chosen over all other applicants.

I ask that we receive this material no later than Friday, March 30, 1984. If you have any questions concerning this request, please contact Ellen Battistelli at 202-225-4025.

Sincerely,

PATRICIA SCHROEDER
Chairwoman



U.S. MERIT SYSTEMS PROTECTION BOARD
Washington, D.C. 20419

March 30, 1984

Honorable Patricia Schroeder
Chairwoman
Subcommittee on Civil Service
Committee on Post Office
and Civil Service
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

Your letter of March 20 to Mr. A. Luis Lucero, Regional Director of the San Francisco Regional Office, has been referred to me for reply. Inasmuch as various Board offices were involved in preparing responses to your questions and to facilitate a prompt response, it was determined that this office would be the appropriate focus for your inquiries.

In response to each inquiry, the following information is provided:

1. Any documentation that established the job including an explanation of how the job was established and who established it.

Recruitment for attorney-examiners and support staff in all regional offices commenced in March, 1982. The increase was necessary to process the over 11,000 Air Traffic Controller appeals filed in late 1981. Jacqueline R. Bradley, Assistant Managing Director for Regional Operations, advised each Regional Director how many positions they would be able to fill once a supplemental appropriations bill was enacted. Each director had the discretion to determine how his allotment would be filled, based on the timing of the availability of funds. The San Francisco Regional Office was originally authorized ten positions. However, an additional position was added based on two factors; the late passage of the supplemental which permitted the Board to allot another vacancy in San Francisco, and previous problems with backlogged cases in that office in comparison to other regions.

2. Whether this was an existing position that became vacant or a newly created slot. If it was an existing position, please provide information on who held the job previously and why and when this individual left.

No attorney-examiner vacancies in the San Francisco Regional Office existed when the new positions were allocated, four of which were attorney-examiner positions. Ms. Thomas was hired to one of the new positions during the ATC staff buildup.

3. A copy of the SF 52 and any notes, records, or correspondence associated with the Request for Personnel Action (SF 52).

We have attached a copy of the SF-52, Request for Personnel Action. No other notes, records or correspondence are in the Office of Personnel or the San Francisco Regional Office.

4. A copy of the job announcement for this particular position and copies of all other job announcements for all similar positions in the San Francisco Regional Office during the last two years.

A copy of Vacancy Announcement No. 82-10, which served as a notice in the San Francisco metropolitan area that the Board was recruiting for attorney positions, is attached. The announcement remained open until all attorney positions in the San Francisco Regional Office were filled. No other announcements have been issued in the San Francisco area within the last two years.

5. A copy of the position description with the OF-8 cover form.

Attached is a copy of the position description, with OF-8 Cover Sheet, for Ms. Thomas' initial position with the Merit Systems Protection Board.

6. A copy of Ms. Thomas' application, her SF-171, and all other supporting documentation and records.

Ms. Gretchen Thomas' SF-171, Personal Qualifications Statement, is attached with all other supporting records including her resume.

7. A copy of all other applications for the position, the SF-171's of these applicants, and any supporting documentation and records.

All applications received under Vacancy Announcement No. 82-10 are attached with other documents provided by the candidates. Applicant lists are also attached.

8. A complete description of the selection process involved and a copy of the MSPB regulations governing selections under FPM Chapter 335.

Attorney positions are in the excepted service, Schedule A, 5 CFR §213, rather than the competitive service. Only positions in the competitive service are covered by the merit promotion rules of Federal Personnel Manual Chapter 335. The Board procedures for hiring attorneys and a description of the selection process are contained in the policy statements attached: 1) Board order 1421.1 dated February 2, 1981 and 2) memorandum dated March 9, 1982 from the Director of Personnel, Frederick L. Foley to Regional Directors on the recruitment of attorney examiners.

Attachment

9. A copy of the crediting plan for the position and any documentation that supports the validity of this crediting plan including job analysis and any pilot tests with the crediting plan.

Crediting plans pertain exclusively to competitive service positions. For excepted service attorney positions, such plans are prohibited in accordance with the Department of Justice decision attached as referenced in our response to question No. 8. Selection criteria are contained in the vacancy announcement.

Nonetheless, the Board's hiring policy at that time was based on the desire to ensure a representational workforce reflecting a variety of experience levels and backgrounds. It was incumbent on the Board to ensure that routine cases would be processed by entry-level attorneys and that the complex removal cases be processed by more experienced attorneys with hearing officer or personnel type backgrounds.

Attorneys recruited at the entry level (GS-11) were not expected to have the depth of litigation background and subject-matter experience that would be required for higher graded attorneys.

10. Which individual developed the crediting plan.

For the reasons described above, there is no crediting plan as such. The selection criteria (called "ranking factors" in the vacancy announcement) were established by senior Board staff early in 1979, so that now no particular individual can be identified as the author.

11. The individual or individuals who rated Ms. Thomas' application, as well as the individual or individuals who rated each of the other applications.

The administrative officer in the San Francisco Regional Office initially screened the applications to determine whether the requirements of a law degree from an accredited institution and a bar certification were met. The applications were then evaluated and tentative selections made by the Regional Director on the basis of the selection criteria.

Mr. E. A. Simpson, Chief of Personnel Operations at Board Headquarters certified the tentatively selected candidates, including Gretchen Thomas, based on the qualification requirements in MSPB Order 1412.1, "Employment and Advancement of Excepted Service Attorneys" (attached as referenced in No. 8). Gretchen Thomas was certified qualified at the GS-11 attorney-examiner grade.

It should also be noted that Mr. Richard Redenius, the Managing Director who has been delegated operational authority over the agency by the Chairman, reviewed the credentials of Ms. Thomas along with other applicants to ensure that prospective employees had backgrounds consistent with the Board's overall hiring policy.

12. A description of how Ms. Thomas' application was received. Please provide a complete list of all individuals within MSPB who had contact with Ms. Thomas during the application and selection process indicating the type of contact involved.

Sometime in the late spring, 1982, Ms. Gretchen Thomas made a personal visit to Mr. Herbert Ellingwood, Chairman of MSPB. Ms. Thomas sought Mr. Ellingwood's guidance as a friend as to how she should proceed in the development of her legal career. Inasmuch as she worked for him when he was Deputy Counsel to the President as a volunteer intern, he advised that she should consider working in an attorney general's office or a public defender's office in order to develop litigation skills. It was at this time that she gave Mr. Ellingwood a copy of her resume.

Mr. Ellingwood then gave Mr. Redenius the resume without an endorsement of any kind. Mr. Redenius believes he had it with him during his visit to the San Francisco office in late July, 1982, and may well have passed it on to Mr. Lucero for his consideration at that time.

On July 28, 1982, the San Francisco Regional Office received from Ms. Thomas a copy of her SF-171. A copy of the SF-171, and its envelope addressed to Mr. Luis Lucero, are attached as referenced in No. 6.

Mr. Lucero recalls having at least two contacts with Ms. Thomas during the selection process. He interviewed Ms. Thomas for the vacancy during the latter part of July or early August 1982. He believes that the next contact was a telephone call advising Ms. Thomas of her tentative selection subject to Personnel Office approval of her qualifications for a GS-11 attorney-examiner position. In accordance with Board policy the Board's Personnel Office telephoned Ms. Thomas on August 17, 1982, to make the formal job offer and establish September 7, 1982 as her reporting date.

13. A complete description of the distribution of the job announcement including a list of every individual and group sent an announcement and where and when each announcement was posted.

Mr. Lawrence E. Shearer, Acting Regional Director in March and April of 1982, arranged for wide distribution of Vacancy Announcement 82-10 to local bar associations, law schools, minority and women's groups and through the standard distribution system of the Office of Personnel Management, San Francisco Regional office. Although we do not have a list of the law schools contacted, Mr. Lucero has provided an illustrative list which would likely represent the contacts made. Copies of the lists of bar associations and probable minority and women's groups used in the distribution are attached.

The San Francisco Regional Office also maintained a file of applications which were previously received for attorney-examiner positions. Mr. Shearer recalls that some of these applicants may have been contacted but is not certain.

14. A copy of the recruiting plan for the announcement.

Applications for excepted service may be received at any time, from any source, and do not need to be identified with any specific vacancy announcement. Recruiting plans are usually structured to fit a particular vacancy, community, and region on an ad-hoc basis, and are often not recorded. No record can be found of a recruiting plan for these vacancies.

As we indicated earlier, vacancy announcements are used merely to notify possible candidates for excepted service. Such vacancy announcements do not constitute a competitive selection process for positions in the excepted service.

15. The raw scores and final ratings for each applicant and any notes and documents associated with the rating and ranking process.

As discussed in our answers to No. 8 and No. 9 above, the Board is prohibited from assigning raw scores or final ratings to applicants for excepted service positions.

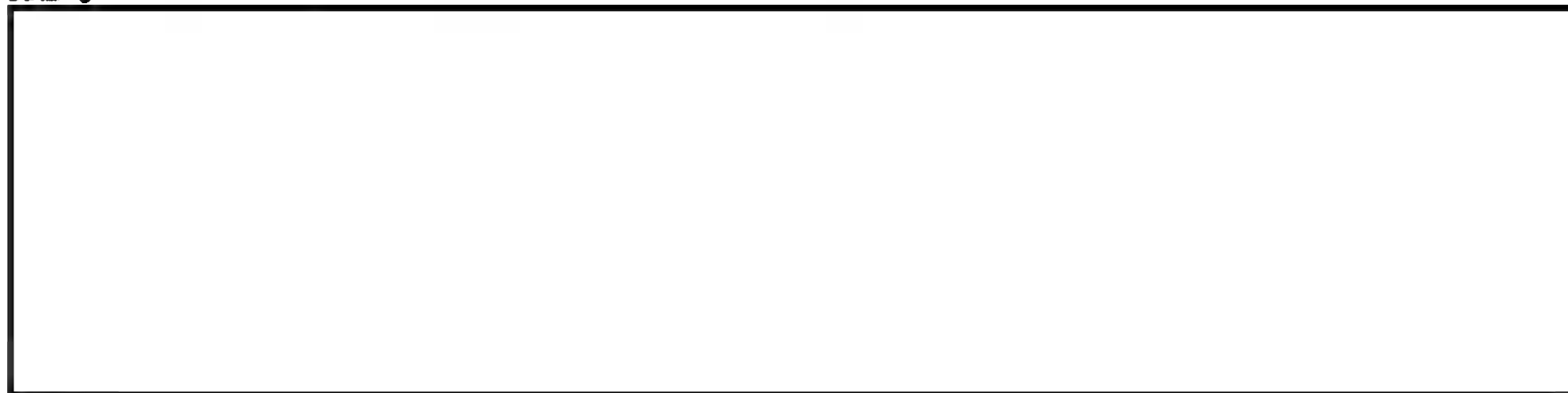
16. The identity of each individual interviewed for the job and the location and date each interview took place. The identity of the MSPB official who conducted each interview. Please provide copies of all interview notes and records.

Mr. Shearer, the Acting Regional Director, remembers interviewing at least Jennifer Gee, Roselyn Rosenfeld and a third person before Mr. Lucero arrived in San Francisco to assume his duties as regional director in late April, 1982. Mr. Lucero recalls recommending to Mr. Shearer that he interview Ms. Gee and Margie Valdez as he knew both of them from a prior professional association. Mr. Shearer does not recall any other interviews. He gave his interview notes to Mr. Lucero. Ms. Thomas had not applied for the attorney-examiner position before Mr. Lucero was appointed as regional director.

Mr. Redenius, in his capacity as Managing Director, also interviewed candidates in the San Francisco Regional Office including Jennifer Gee and Margie Valdez.

It should be noted that the Board was under a hiring freeze during this time because of its severely limited budget. The Board was actively recruiting, however, in anticipation of a supplemental appropriation. Candidates were being selected throughout the spring and summer with the understanding that Mr. Lucero could not hire them until the supplemental was passed. As it turned out, the supplemental was delayed until late July, which had the effect of allowing the Board to add an additional position. The new employees entered on duty in August and September, including Gretchen Thomas.

Mr. Lucero recalls interviewing the following candidates between May and June 1982 for permanent attorney-examiner positions:



b6
b7C

Mr. Lucero interviewed Ms. Thomas in late July or early August 1982, as indicated by Ms. Thomas' August 7, 1982 follow-up letter. All interviews took place in San Francisco or Seattle. Other than the notes on Ms. Gee, which are attached, no other records or notes of the interviews were found.

17. Copies of all letters and forms that went out to those who applied regarding the selection or non-selection for the position; include copies of all correspondence with Ms. Thomas.

Individual letters were sent by the regional office in this case, and we were able to locate some of these (copies attached). During this period, we were experiencing our first recruiting since delegating to the Regions the authority to recruit and select employees. As a result, there was some variation in the methods and extent of regional handling. Apparently, courtesy replies to some non-selected applicants were never sent.

Attachment

18. A description of the date and format in which you notified the headquarters of MSPB of the selection of Ms. Thomas. Please provide copies of any materials related to this notification.

The San Francisco Regional Office mailed the SF-52 requesting the appointment of Ms. Thomas (attached as referenced in No. 3), to Headquarters together with the SF-171 (attached as referenced in No. 6). These were received in the Personnel Office on August 16, 1982, and only constituted notification to Headquarters of Ms. Thomas' tentative selection.

19. Copies, records or notes of all communication between the regional office and anyone pertaining to the application and hiring of Ms. Thomas including anything from Edwin Meese and Herbert Ellingwood.

There are no records or notes of communications between the San Francisco Regional Office and anyone pertaining to the application and hiring of Ms. Thomas. Neither Mr. Meese nor Mr. Ellingwood were used as references in Ms. Thomas' application. Further, Mr. Ellingwood had no involvement in the selection process aside from providing Mr. Redenius a copy of her resume.

20. A complete explanation of why Ms. Thomas was chosen over all other applicants.

Ms. Thomas was one of four applicants selected for newly established attorney positions in the San Francisco Regional Office. She was chosen consistent with the Board's overall appointment plan to hire candidates with diversified backgrounds and experience levels who could fill various attorney-examiner grades in that office. That assessment was based on the Board's obligation to adjudicate not only the expected ATC appeals but also the relatively routine appeals which would otherwise constitute the bulk of the regional office's case load. It was incumbent on the Board to distribute its resources in a cost-effective manner which required balancing the need to process adverse action appeals by experienced attorney-examiners and routine cases by entry level attorneys.

LIST OF ATTACHMENTS

- Item #3 Request for Personnel Action, SF-52.
- Item #4 Vacancy Announcement No. 82-10.
- Item #5 Position Description and OF-8 Cover Sheet
- Item #6 Ms. Gretchen Thomas' SF-171, Personal Qualification Statement, with other supporting records, such as her resume.
- Item #7 All applications received for Vacancy Announcement No. 82-10, with supporting documents, plus a list of applications received.
- Item #8 Board procedures for hiring attorneys and a description of the selection process. (Board Order 1412.1, and memorandum from the Director of Personnel on recruitment of attorney-examiners.)
- Item #13 National list of minority and women's group contacts, a local list of legal and other interested organizations, and a list of local law schools.
- Item #16 Interview notes on Ms. Gee.
- Item #17 Letters from Luis Lucero.



U.S. MERIT SYSTEMS PROTECTION BOARD
Washington, D.C. 20419

April 3, 1984

Honorable Patricia Schroeder
Chairwoman
Subcommittee on Civil Service
Committee on Post Office and
Civil Service
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

As an addendum to my March 30, 1984, response to your questions regarding the Merit Systems Protection Board's hiring of Ms. Gretchen Thomas as a presiding official in our San Francisco Regional Office, I would like to provide the following information.

As stated, Ms. Thomas was hired to fill one of four (4) permanent attorney-examiner positions open in the San Francisco Regional Office during the summer of 1982. Each of these appointments took place on September 5, 1982. In addition, however, in an effort to meet the inordinately high workload in that region, the Board appointed another five (5) attorney-examiners on a temporary basis, one of which was hired at the same grade as Mrs. Thomas. The first of these was effective on September 5, 1982, with subsequent appointments during the next fiscal year on October 24, October 31, December 26 and, finally, January 2 of 1983.

Together, these appointments made it possible to process the staggering number of air traffic controller appeals which the San Francisco Regional Office received.

I hope this information is helpful to you and if you need any further information, please do not hesitate to call upon me.

Sincerely,

Paul E. Trayers
Legislative Counsel

It is in this context that Mr. Redenius became involved in the hiring practices of several regional offices including the San Francisco Regional office. Because of his concerns that these recruiting goals were not being adequately addressed in those offices, he reviewed some of the applications personally and became involved in interviewing several candidates. His involvement in San Francisco led him to dissuade Mr. Lucero from hiring some of the applicants and to reconsider others. He also concluded based on previous backlogged problems in San Francisco that an additional attorney-examiner position should be allocated.

Regarding the hiring of Ms. Thomas, Ms. Bradley recollects receiving a telephone call from Mr. Lucero in late summer 1982. Mr. Lucero asked whether he had to hire Ms. Thomas. Ms. Bradley advised Mr. Lucero either in the same conversation or a later one that he was obliged to hire Ms. Thomas. Ms. Bradley was under the impression from Mr. Richard Redenius, Managing Director, that Ms. Thomas was to be hired. She does not recollect the statements which resulted in this impression. Neither Ms. Bradley nor Mr. Redenius had discussions with Mr. Ellingwood on this matter.

A question has since been raised regarding the circumstances surrounding the November, 1983 promotion of Ms. Thomas to a GS-12 level. The decision to promote her was exclusively Mr. Lucero's without any guidance from any Board official.

I hope you find this information complete and helpful. If there is any way I may be of further assistance, please contact me.

Sincerely,

Paul E. Trayers

Paul E. Trayers
Legislative Counsel

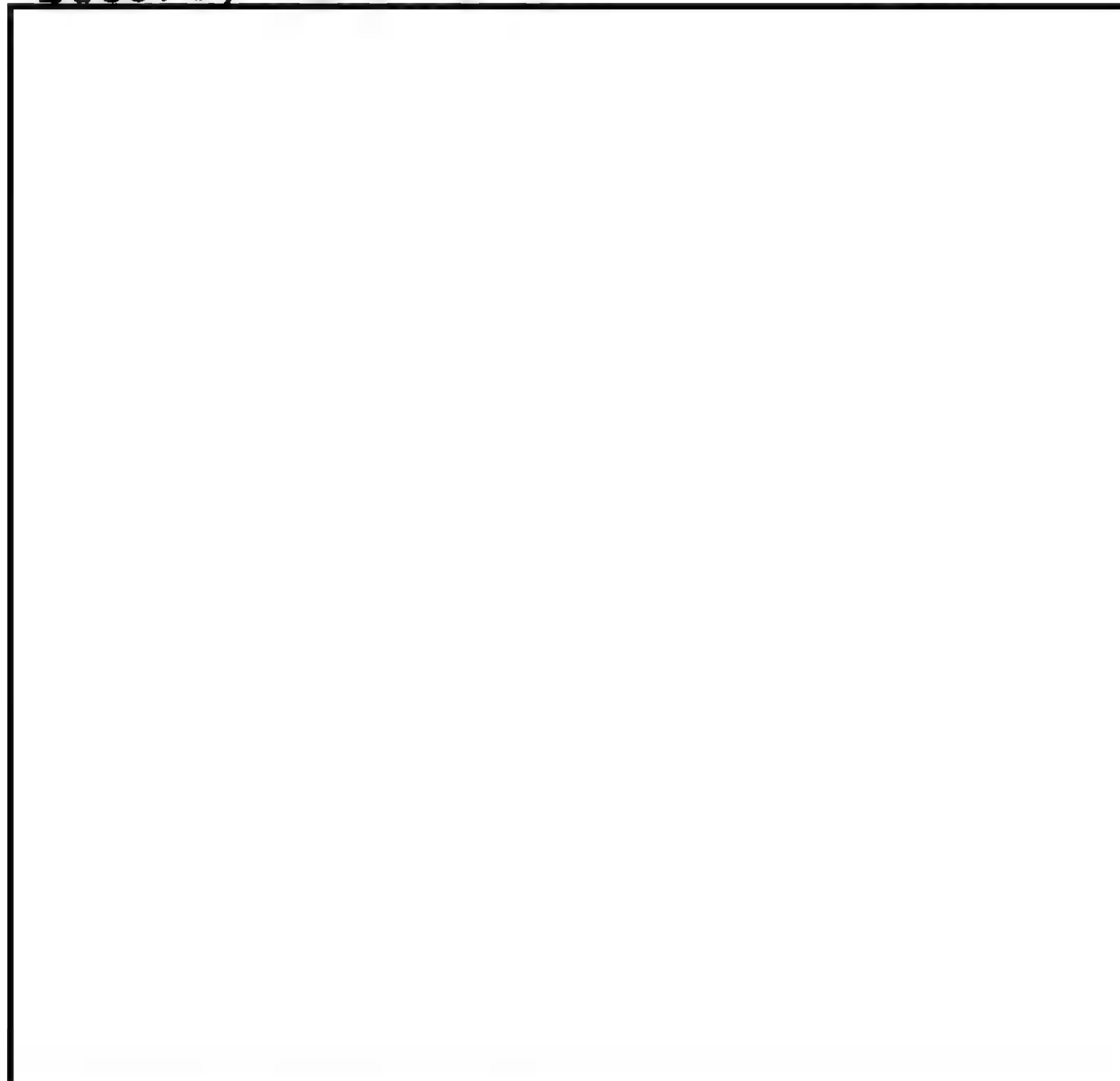
ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAU/STP/cld

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Third Party

San Francisco Regional Office
Merit Systems Protection Board

Lucero, Aurelio L.

ES-01



Regional Director
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Attorney Examiner
Secretary
(Stenography)
Legal Clerk (Typing)
Legal Clerk (Typing)
Legal Clerk (Typing)
Legal Clerk (Typing)
Student Aide

Total Employees - 21

Note: Administrative Assistant for Chicago, has been detailed to the San Francisco Regional Office for a short period of time.

APPENDIX F

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES¹

A. BIOGRAPHICAL INFORMATION

Question 1. Name: (Include any former names used.)

Answer. Herbert Eugene Ellingwood.

Question 2. Address: List current residence address and mailing address.

Answer. 6607 Briar Hill Court, McLean, Virginia 22101.

Question 3. Date and Place of Birth.

Answer. March 5, 1931, Ordway, Colorado.

Question 4. Marital Status: (Include maiden name of wife or husband's name.)

Answer. Audrey Kesler Ellingwood.

Question 5. Names and ages of children.

Answer. Edwin Bruce Ellingwood—age 18; Thomas Barry Ellingwood—age 15.

Question 6. Education: List institution(s), dates attended, degree received and date degree granted.

Answer. Aromas Grammar School—1937–1945; Salinas Union High School—1945–1949; Yale University—1949–1953—B.A. degree (major: Political Science and Economics); Stanford University Law School—1957–1960—LL.B.

Question 7. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

Answer. Deputy District Attorney—Alameda County, California—1960–1966; also Legislative Advocate for the Law and Legislative Committees, California District Attorneys' and California Peace Officers' Associations; Legislative Representative, State Bar of California—1966–1969 (Sacramento, California); Legal Affairs Secretary to Governor Ronald Reagan—Sacramento, California—February 1, 1969 to December 31, 1974; Special Assistant Attorney General, State of California—Sacramento, California—January 1, 1975 to July 1, 1979; Private Law Practice—Firm of Caldwell and Toms—Sacramento, California—July 1979 to March 1981; Deputy Counsel to the President of the United States, The White House, Washington, D.C.—March 1981 to December 1981.

Question 8. Government Experience: List any experience in, or association with Federal, state or local governments, including any advisory, consultative, honorary or other part-time service or positions.

Answer. All my employment has been with Federal, state or local government except for the State Bar activity (1966–1969) and the private law practice (1979–1981). (See answer No. 10 for other activity.)

¹ Financial information retained in committee files.

Question 9. Business Relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership or other business enterprise, educational, or other institution.

Answer. 1979–1981—Partner in firm of Caldwell and Toms, 611 W. 6th Street, Los Angeles, California 90017.

Corporations

Vence Associates, Inc., 611 W. 6th Street, Los Angeles, California 90017—stockholder—1980–1981.

S. K. Sung, Inc., 3595 Almaden Road, San Jose, California 95118—Officer (stock not issued prior to resignation)—1980–1981.

Strawberries & Stuff, 1450 W. Colonial Parkway, Roseville, California 95678—officer, stockholder—1980–present.

Partnerships

Nellie Gail No. 1 Associates, 24882 Buckboard, Laguna Hills, California 92653—1980–present.

Giebel Petroleum & Investments, 1 Marienfeld Place, Midland, Texas 79701—1979–present.

Other

Shelbourne Estates Homeowners Association, 7575 Auburn—Folsom Road, Loomis, California 95650—Officer—1980–1981.

Question 10. Memberships: List all memberships and offices held in professional, fraternal, scholarly, civic charitable and other organizations.

Answer:

American Bar Association—Criminal Law Section, various committees.

Christian Legal Society—National President, 1976–1977; National Board of Directors, 1974–1975; member, 1967–present.

State Bar of California—Member, Committee on Criminal Law and Procedure, 1970–1973.

Alameda County Bar Association, 1960–1981.

Sacramento County Bar Association.

Placer County Bar Association.

California Organized Crime Control Commission, 1977–1978 (member).

Peace Officers Standards and Training Advisory Committee, member, 1980–1981.

California Peace Officers' Association—Federal Law Enforcement Assistance Act Committee; Standards and Ethics Committee.

California District Attorneys' Association—Federal Law Enforcement Assistance Act Committee.

California Sheriffs' Association, 1960–1981.

University of California, School of Criminology—Federal Law Enforcement Assistance Act Committee.

Delegate, White House Conference on Children, 1970.

Delegate, National Conference on the Judiciary, 1971.

Delegate to the National Conference on Corrections, 1971.

Delegate, National Conference on Criminal Justice, 1973.

Member, California Council on Criminal Justice, 1969–1975; Member, Riots and Disorders Task Force, 1969–1970; Chairman, Judicial Process Task Force, 1970–1974; Member, Executive Committee, 1970–1975; Chairman, Planning Allocation Committee, 1971–1974.

Member, California State Communications Advisory Board, 1970–1974.

California Commission on Peace Officer Standards and Training, Attorney General's Representative, 1975–1979.

Project Safer California, Member—Judicial Process Personnel and Institution, 1974.

Member, Advisory Board to the Joint Legislative Committee for Revision of the Penal Code (California).

California State Bar Conference on Trial and Appellate Court Reform, Participant.

Member of and Speaker at California Governor's Traffic Safety Conference, 1965.

Member of Citizens' Advisory Committee to the Joint Legislative Committee for Revision of the Penal Code.

Member of the Governmental Affairs Council, 1980.

Member, Academic Board, California Civil Disorder Management Course, California Specialized Training Institute, Camp San Luis Obispo, 1971-1974.

Member, Attorney General's Task Force on Parole and Probation, 1971-1972.

Member, Citizen Advisory Committee, Correctional System Study, Board of Corrections, 1970-1974.

Advisor, California Assembly Criminal Justice Cost Project, 1970-1971.

Advisor, California Chief Justice's Select Committee on Trial Court Delay, 1971-1972.

Editor of Digest of Legislation Affecting Criminal Law and Procedure, 1972-1976.

California Governor's Select Committee on Law Enforcement Problems, Member, Steering Committee, 1972-1973.

Instructor, Criminal Law, Chabot College, 1964.

California Christian Committee for Israel, Member, 1976-present.

Member, Advisory Board of the Institute of Continuing Studies, California State University, 1976-1981.

Vice President of Laws At Work—1979.

Regent, CBN University, Virginia Beach, Virginia, 1979-present.

Teen Challenge—Advisory Council Member, Santa Cruz, California, 1962-1981.

Monte Vista Christian High School Board of Trustees, Watsonville, California, 1960-present.

Bethany Bible College, Santa Cruz, California—College Council, Vice Chairman, 1965-1968; Chairman, 1968-1974; Development Cabinet, Chairman, 1968-1970; Member, 1975-1980.

Roseville Assembly of God Church, Roseville, California, Elder.

Member, Association of the United States Army, Mother Lode Chapter, 1970-1974.

Member, Board of Directors of the Alpha Foundation, a scientific, literary and educational corporation established to research, develop and sponsor community impact programs, 1972-1981.

Deputy District Commander of the Royal Rangers. This is a boys' group within the Assemblies of God, a religious organization; it is similar to Boy Scouts. As Deputy District Commander, I was responsible for the program in 350 churches during the 1960s.

Commonwealth Club, San Francisco, California.

Cornstock Club, Sacramento, California.

California Junior Statesmen of America Foundation; at various times, I was Trustee, Secretary, and a Vice President; I was Chairman of the Summer School in 1965, 1966, 1967.

California State Department of Education, Advisory Committee on Guidelines for Moral Instruction in California Schools.

Sunrise Christian Schools, Roseville, California, Member, Board of Trustees, 1976-1981.

Question 11. Political Affiliations and Activities: List all offices with a political party of any public office for which you have been a candidate. List all memberships and offices held in or financial contributions and services rendered to all political parties or election committees during the last 10 years.

Answer. Registered Republican; Precinct Captain, Alameda County, California, 1960-1966; Placer County Republican Central Committee, member, 1977-1981; Chairman, 1979-1980; California Republican State Central Committee, 1977-1981; Alternate Delegate, National Republican Convention, 1976; Delegate at Large, National Republican Convention, 1980; Small financial contributions have been made to each of the above organizations and to various candidates, partisan and non-partisan, over the last 10 years. During the last election, I supported Congressman Gene Chappie and President Reagan.

Question 12. Honors and Awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognitions for outstanding service or achievements.

Scholarships

Yale University; B.P.O.E.; Sears-Roebuck.

Special Recognition

California Scholarship Federation; California Peace Officers' Association; California State Sheriffs' Association; California District Attorneys' Association; Peace Officers Research Association of California; Oakland California Police Department; Alameda County, California; Port of Oakland; California Junior Chamber of Commerce; Laws At Work; Los Angeles Board of Supervisors; Los Angeles City Council; Christian Legal Society; Religious Heritage of America;

Association of Christian Schools International; Office of the California Attorney General; California Legislature.

Question 13. Published Writings: List titles, publishers and dates of books, articles, reports or other published materials you have written.

Answer. Editor, Digest of Legislation Affecting Criminal Law and Procedure, 1972-1976.

Article: Ronald Reagan, "God, Home and Country"—Christian Life Magazine, November 1980.

Article: New Wine Magazine—"Not Guilty," October 1976; "Crime Hurts," May 1977.

Question 14. Speeches: Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have written copies of and which are on topics relevant to the position for which you have been nominated.

Answer. None.

Question 15. Selection: a. Do you know why you were chosen for this nomination by the President?

b. What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

Answer. a. I was his Legal Affairs Secretary from 1969-1974 and his Deputy Counsel during 1981. I assume he has confidence in me.

b. I have over 20 years of legal experience, almost all of which has been in government. In private practice, I did some personnel law.

C. FUTURE EMPLOYMENT RELATIONSHIPS

Question 1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Answer. I have severed all business connections already with the exception of (1) Strawberries & Stuff, which is a Subchapter S Corporation, owned by my immediate family; it was established to be an import/export business; some importing was done prior to my Federal employment. (2) The oil investment with Giebel Petroleum is a limited partnership solely for investment. (3) The Nellie Gail #1 Associates was for the building and sale of a house which has been accomplished. Less than \$6,000 is owed to me by the purchaser.

Question 2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

Answer. I have no plans to pursue outside employment during Federal service except: (1) Strawberries & Stuff sales and consulting mainly in the area of arts and crafts; and (2) lectures, mainly religious, not associated with government for which sometimes I receive reimbursement of expenses or honoraria.

Question 3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

Answer. No.

Question 4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

Answer. No.

Question 5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Answer. Yes.

D. POTENTIAL CONFLICTS OF INTEREST

Question 1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

Answer. My former law firm is paying off a note with Crocker Bank which was a loan to purchase the partnership. (See attached letter from Caldwell & Toms dated October 20, 1981.)¹

Question 2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

Answer. None.

Question 3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of

¹ The letter referred to may be found in the committee files.

PERFORMANCE EVALUATION

GENERAL INSTRUCTIONS

Each appraisal must conclude with the assignment of one of five summary ratings, as defined below. In determining the appropriate summary rating to assign, consider all the element grades assigned based on observed performance during the appraisal period; do not consider any "To Grade Assigned" designations.

I certify that this employee's performance from 9/5/82 to 9/4/83 is

- ☐ **EXCEEDS** Exceeds the established performance standards for all performance elements.
- ☐ **HIGHLY SUCCESSFUL** Exceeds the established performance standards for all critical performance elements and exceeds most other performance elements.
- ☒ **FULLY SUCCESSFUL** Fully meets the established performance standards for all performance elements, but does not meet the criteria for a "Highly Successful" or "Meritorious" summary rating.
- ☐ **MINIMALLY SATISFACTORY** Fully meets the established performance standards for all critical performance elements, but fails to meet the standard for one or more other performance elements.
- ☐ **UNSATISFACTORY** Fails to meet the established performance standard for one or more critical performance elements.

ACCEPTABLE LEVEL OF CONFIDENCE

(An acceptable level of competence demonstration is required only when a within-grade salary increase is currently due for a non-Merit Pay System employee and must be supported by the employee's most recent performance appraisal.)

In accordance with the provisions of 5 U.S.C. 5335(a) and (c) and MSPB policy, I have determined and hereby certify that this employee

- ☒ **IS WORKING AT AN ACCEPTABLE LEVEL OF CONFIDENCE** (based on "Fully Successful" or better)
- ☐ **IS NOT WORKING AT AN ACCEPTABLE LEVEL OF CONFIDENCE** (based on "Minimally Satisfactory" or "Unsatisfactory")

SUPERVISOR'S CERTIFICATION

DATE	TITLE OF SUPERVISOR	SIGNATURE OF SUPERVISOR I have discussed these ratings with the employee
9/2/83	Regional Director	A. Luis Suarez Jr.

EMPLOYEE'S CERTIFICATION

- ☒ My supervisor has discussed my performance evaluation with me. I understand that I will receive a copy of this form from my supervisor after the reviewing official completes his/her review.
- ☒ I have no comments.
- ☐ My comments are attached.

DATE	SIGNATURE OF EMPLOYEE
9.15.83	Quitcher W. Thomas

REVIEWING OFFICIAL CERTIFICATION

- ☒ I concur with the supervisor's evaluation of this employee and have not made any changes.
- ☐ I have made appropriate changes on this form based on my independent review.
- ☐ I have made appropriate changes on this form based on comments furnished by the employee.

DATE	TITLE OF REVIEWING OFFICIAL	SIGNATURE OF REVIEWING OFFICIAL
9/20/83	AMDRU	Jacqueline R. Butler

NOTE: The Reviewing Official returns the original to the first level supervisor who sends it to the Personnel Management Division after making a personal copy and a copy for the employee.

client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Answer. None.

Question 4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

Answer. I have worked on legislation during my entire career until I entered Federal service. I represented the California District Attorneys' Association, the California Peace Officers' Association, the California State Sheriffs' Association, the State Bar of California, Governor Ronald Reagan and California Attorney General Evelle Younger. In private practice I never testified, but did advise clients on their testimony before the California Legislature, but nothing before the Congress.

My former law firm had clients with issues before Federal regulatory agencies. I never made an appearance on any of these cases, but did a lot of work on Pat Boone's Acne-Statins case which was in the Federal Trade Commission. We retained Santarelli and Gimer, 2033 M Street, N.W., Suite 700, Washington, D.C. 20036, for that purpose. I have had no contact with that Commission since entering Federal service.

While Deputy Counsel to the President, I did staff work on various legislative proposals, mostly involving criminal law. This did not involve any appearance before a legislative committee.

Question 5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

Answer. I will withdraw from any conflict of interest.

Question 6. Do you agree to have written opinions provided to the Committee by the General Counsel of the agency to which you are nominated and by the Attorney General's office concerning potential conflicts of interest or any other legal barriers to your serving in this position?

Answer. Yes.

E. LEGAL MATTERS

Question 1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

Answer. No.

Question 2. Have you ever been investigated, arrested, or charged or held by any federal, state or other law enforcement authority for violation of any federal, state, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so, provide details.

Answer. No.

Question 3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

Answer. None, except as counsel.

Question 4. Have you ever been convicted (including pleas of guilty or nolo contendere) of any criminal violation other than a minor traffic offense?

Answer. No.

Question 5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

Answer. None.

AFFIDAVIT

I, Herbert Eugene Ellingwood, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

Date: March 18, 1982.

HERBERT E. ELLINGWOOD.

Subscribed and Sworn to before me this 18th day of March, 1982.

ROBERT S. TAYLOR,

Notary Public, District of Columbia.

My Commission Expires April 14, 1986.

THE WHITE HOUSE
WASHINGTON

December 7, 1981

Dear Professor Wortham:

Pursuant to a plan previously submitted to you, Mrs. Gretchen Thomas has been working in this office under my supervision.

She has completed in excess of 120 hours and has done so in a satisfactory manner.

If you have any questions regarding her performance or the subject matter of her work-study, I would be happy to supply you with that information.

Sincerely,


Herbert E. Ellingwood
Deputy Counsel to the President

Leah Wortham
Assistant Professor
Catholic University
School of Law
Washington, D.C. 20064

THE
CATHOLIC UNIVERSITY
OF AMERICA
WASHINGTON D.C. 20064

OFFICE OF THE DEAN
THE COLUMBUS SCHOOL OF LAW
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September 1, 1981

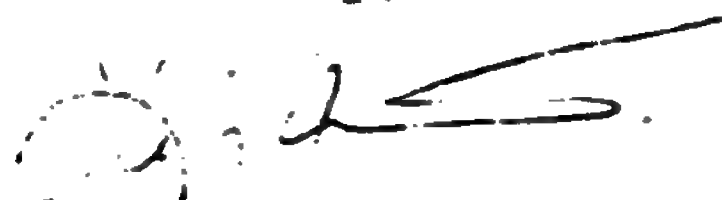
Herbert E. Ellingwood, Esq.
Office of the Counsel
White House
Washington, DC 20523

Dear Mr. Ellingwood:

Thank you for agreeing to take Gretchen Thomas on as an intern. She will receive two semester hours credit for her experience. We will need another letter from you at the end of the term stating that Ms. Thomas has worked 120 hours without compensation and evaluating her performance.

I appreciate your participation in an important part of our curriculum.

Sincerely,



Leah Wortham
Assistant Professor

LW/ec

THE WHITE HOUSE
WASHINGTON

August 28, 1981

Mr. Michael F. Noone, Jr.
Associate Dean
The Columbus School of Law
The Catholic University of America
Washington, D.C. 20064

RE: Legal Internship

Dear Dean Noone:

This is to verify that Gretchen Thomas will be a legal intern for the Office of the Counsel at the White House under my supervision. She will be performing tasks of a legal nature, without compensation, for approximately eight to ten hours per week for this next semester.

If you have any questions about this, please feel free to phone me at 456-2393.

Sincerely,

Herbert E. Ellingwood
Deputy Counsel to the President

bcc: Fred Fielding
Gretchen Thomas

HEE:jsk

of the executive board. This grade will be based on the two articles written by each member.

Law Review II

2 hrs., 2 sems.
(for current staff and editorial board)

Enrollment in the course is optional. A grade of P or F will be given by the faculty moderator upon the recommendation of the executive board, based upon the comment written by each member. Grades for each associate editor will be recommended by the executive board and for each executive editor by the faculty moderator, based upon the editor's adequate fulfillment of his or her responsibilities throughout the semester.

Legal Accounting

Mr. Adams
2 hrs., 1 sem.

A survey of the elementary techniques and basic theoretical concepts of accounting. Emphasis is on those accounting principles and procedures that are relevant to the practice of law, and attention is given to the legal contexts in which lawyers are likely to confront accounting problems. The course is designed for students who are unfamiliar with accounting, and prior study or training in accounting, business, or finance is not a prerequisite.

Legal Internship

2 hrs., 1 sem.

Students may gain course credit for outside legal work with agencies, law firms, judges, or public-interest groups. The students must devote eight to ten hours per week without compensation, performing tasks of a legal nature under the supervision of an attorney. Limited to two credit hours per semester, and four credit hours per project.

Legislation

Mr. Marcin
3 hrs., 1 sem.

Through lecture and discussion, the instructor and the students examine: legislation as the chief instrument of change and innovation in the law; the pattern from which legislation emerged historically; Anglo-American and Continental theories of legislation; the form and arrangement of statutes; some mechanics of legislative drafting; the various means of

making legislation effective; and the various methods of legislative interpretation.

Local Government Law

Mr. Kaplan
2 hrs., 1 sem.

This course will examine the organization, operation, and source and extent of authority of the various types of local government units, particularly in urban areas. Consideration will be given to traditional topics, such as home rule, zoning, and boundary changes; but the emphasis will be upon more contemporary problems, such as regional planning, decentralization, local government financing, urban renewal, pollution control, and reapportionment. Special attention will be accorded the role of federal grant-in-aid programs in the solution of contemporary urban problems and to the Federal-state-local relationships which result from federal participation in urban problem solving.

Maritime Law

Mr. Malia
2 hrs., 1 sem.

This course covers the leading principles of admiralty jurisdiction and the maritime law of the United States, including pleading and practice in admiralty cases, the maritime lien, the affreightment contract, charter parties, salvage, general and particular average, maritime torts and limitation of liability.

Mass Communications Law

Mr. Zuckman
2 hrs., 1 sem.

A research course which will consider the general issue of protection afforded by the First Amendment to the media and the specific media issues of libel, invasion of privacy, obscenity, censorship, "fair use" in copyright law, free press versus fair trial, judicial secrecy and access of the media to new sources.

Moot Court Nationals Team

2 hrs., 1 sem.

To be eligible to register, a student must be certified by the Moot Court Board and its faculty moderator. A grade of P or F will be given by the moderator upon recommendation of the Board. No more than four credits may be earned.

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peals officer of Merit Systems Protection Board's Washington Field Office and denial of reappointment to that post, that of poor performance, was not the real reason for Board's treatment of him and therefore plaintiff established that he was a victim of discrimination in violation of Title VII.

Reversed and remanded with instructions.

1. Civil Rights \Rightarrow 9.10, 44(1)

Title VII prohibits discrimination against white males upon the same standards that it prohibits discrimination against members of a racial minority; in other words, plaintiff's ultimate burden of persuasion remains the same regardless of race. Civil Rights Act of 1964, §§ 701-718, 42 U.S.C.A. §§ 2000e to 2000e-17.

2. Civil Rights \Rightarrow 44(1)

In an employment discrimination suit in which employee has established prima facie case of discrimination, employer cannot meet its burden of articulating a legitimate reason for its action merely through an answer to the complaint or by argument of counsel but must clearly set forth, through introduction of admissible evidence, the reasons for employee's rejection and the explanation provided must be legally sufficient to justify a judgment for employer. Civil Rights Act of 1964, §§ 701-718, 42 U.S.C.A. §§ 2000e to 2000e-17.

3. Civil Rights \Rightarrow 44(1)

Federal employer's articulated reason for removal of plaintiff, a white male who had established prima facie case of racial discrimination, from his position as chief appeals officer of Merit Systems Protection Board's Washington Field Office and denial of reappointment to that post, that of poor performance, was not the real reason for Board's treatment of him and therefore plaintiff established that he was a victim of discrimination in violation of Title VII. Civil Rights Act of 1964, §§ 701-718, 42 U.S.C.A. §§ 2000e to 2000e-17.

Thomas J. LANPHEAR, Appellant,

v.

Ruth T. PROKOP, Chairperson, Merit
Systems Protection Board, et al.

No. 82-1388.

United States Court of Appeals,
District of Columbia Circuit.

Argued 12 Jan. 1983.

Decided 1 April 1983.

Plaintiff, a white male, brought suit complaining of racial discrimination in federal employment. The United States District Court for the District of Columbia, John Garrett Penn, J., dismissed the suit, and plaintiff appealed. The Court of Appeals, Wilkey, Circuit Judge, held that federal employer's articulated reason for removal of plaintiff, a white male who had established prima facie case of racial discrimination, from his position as chief ap-

Appeal from the United States District Court for the District of Columbia (D.C. Civil Action No. 81-0927).

Joseph B. Scott, with whom Irving Kator, Washington, D.C., was on brief, for appellant.

John W. Polk, Asst. U.S. Atty., with whom Stanley S. Harris, U.S. Atty., Royce C. Lamberth and R. Craig Lawrence, Asst. U.S. Attys., Evangeline W. Swift, Gen. Counsel, and Sara B. Reardon, Atty., Merit Systems Protection Bd., Washington, D.C., were on brief, for appellees.

Before ROBINSON, Chief Judge, WILKEY and GINSBURG, Circuit Judges.

Opinion for the Court filed by Circuit Judge WILKEY.

WILKEY, Circuit Judge:

Appellant Thomas Lanphear, a white male, complains of racial discrimination in federal employment in violation of Title VII of the Civil Rights Act of 1964.¹ Specifically, he claims that on account of his race he was removed from his position as Chief Appeals Officer of the Merit Systems Protection Board's Washington Field Office and thereafter denied reappointment to that post on two occasions.² The district court dismissed appellant's suit following a bench trial finding that there was a legitimate, nondiscriminatory reason for these personnel actions. We now reverse and remand with instructions to enter judgment for the appellant and to award him appropriate relief.

I. BACKGROUND

Appellant was employed for over eight years by the now defunct Civil Service

1. As amended, 42 U.S.C. §§ 2000e-2000e-17 (1978).

2. At trial appellant also claimed that his nonselection was in retaliation for recommending that a black employee in his office be promoted. That claim was rejected by the district court and has been dropped by appellant.

3. Evaluation of Employee Performance for Thomas Lanphear (Feb. 1979); Supervisory

Commission (CSC). He performed a variety of legal and administrative tasks before being competitively appointed on 1 May 1978 as Chief Appeals Officer (CAO) of the Washington Field Office, a GS-15 position. He inherited a difficult situation there and apparently did much to improve it. He substantially reduced a large backlog of cases, increased the administrative efficiency of the office, and bolstered a sagging morale. He received solid, even enthusiastic evaluations from his immediate supervisors.³

In January 1979 the adjudicatory functions of CSC were taken over by the newly created Merit Systems Protection Board (MSPB) while its management functions were largely shifted to the Office of Personnel Management. CSC employees were transferred to the new agency in a "mass change" document according to which their title, grade, and salary remained the same.⁴ Thus, appellant continued to serve as CAO in the Washington Field Office. In August of that year, however, the MSPB published a vacancy announcement for CAO positions within the agency.⁵ The announcement stated that appointments would be made "as vacancies occur," but the MSPB treated the announcement as including all CAO positions, of which there were eleven. Appellant was, thus, reduced to acting CAO and had to hope for reappointment under the new regime.

In February 1980, before the new CAOs were selected, Ruth Prokop, chairwoman of the MSPB, issued an affirmative action mandate directing her subordinates to achieve a representative workforce. "I am committed to this result," she stressed.

Appraisal for Thomas Lanphear (Oct. 1979); Applicant Appraisal Form for Thomas Lanphear (May 1980), reprinted in Joint Appendix (JA) at 47-53.

4. Reprinted in JA at 54.

5. Vacancy Announcement 79-34 (20 Aug. 1979), reprinted in JA at 41.

Thus, your performance in this area will be measured by the degree that you successfully achieve the Board's goals in the organizational unit for which you are responsible.⁶

Also during the pendency of the CAO selection procedures, the MSPB was developing an official affirmative action plan which called for hiring a black male CAO in the 3rd quarter of fiscal year 1980.⁷

Appellant Lanphear was advised by his supervisor, Paul Mahoney, that he would automatically be considered for the CAO position in the Washington Field Office and need not submit an application. In fact, however, he appears not to have received any consideration, whether serious or perfunctory. No papers concerning him, not even supervisory appraisals, were given to the reviewing panel that screened candidates. He was not interviewed for the job by Mr. Redenius, the man ultimately responsible for the selection. He never even received notice of his non-selection, learning of it only indirectly through rumors; through broad hints by Redenius, who suggested he take another job but allegedly refused to confirm that he would not be reappointed as CAO; and finally through a March 1980 newsletter announcing that Samuel Flanagan, a black attorney from the Department of Justice, had been selected. One month later appellant was reassigned to the Office of Appeals at MSPB headquarters. His grade and salary remained the same.

Mr. Flanagan was chosen in an abbreviated process. Despite their alleged impor-

6. Order from Ruth Prokop to All Supervisors and Managers (6 Feb. 1980), reprinted in JA at 179.

7. Affirmative Action Plan for Fiscal Year 1980 at 37, reprinted in JA at 172, 212. See also Testimony of Mr. Doherty, reprinted in Trial Transcript (TR) at 947 (even before selection was made "there was a consensus on the staff that we would probably have a black Chief Appeals Officer").

8. Stipulations of Fact (No. 81-0927) at ¶ 14, reprinted in JA at 32; Supplemental Stipulations at ¶ 1, reprinted in JA at 39. The above remarks are not intended to cast aspersions on Flanagan's qualifications, which were indisput-

ably good. But a departure from the normal consideration given a candidate is evidence that, at least in Redenius' mind, the candidate's qualifications for the job were not the only factors to be considered. This evidence is highly relevant to the question whether the reason given for not hiring appellant, i.e., his comparative lack of qualifications, was merely a pretext.

Later that year the CAO position was upgraded from GS-15 to the Senior Executive Service. A new vacancy announcement was published⁸ and both Flanagan and appellant applied for the position. Both candidates were considered by the rating panel to be highly qualified. Redenius was again the selecting official and he again chose Flanagan.

After his first failure to be reappointed as CAO of the Washington Field Office, appellant filed a complaint with the MSPB's Equal Employment Opportunity (EEO) office alleging that his non-selection was due to his race. An EEO counselor assigned to the case noted a number of reasons given by Redenius for not selecting appellant: management deficiencies leading to personnel complaints; a large backlog, including a number of unassigned cases; and sloppy, erratic production. In sum, appellant "was not up to the standards" of the job.⁹ Redenius also stated that he had not needed to interview appellant since he was already well aware of appellant's deficiencies.

On 5 February, despite Redenius' claims, the EEO office issued a recommended deci-

9. Vacancy Announcement 80-SES-3, reprinted in JA at 344.

10. EEO Counselor's Report re Thomas Lanphear (hereinafter cited as EEO Report) at 4, reprinted in JA at 65, 68.

tion finding reasonable cause to believe plaintiff was discriminated against because of his race.¹¹ The MSPB refused to accept this recommendation. Appellant filed a second complaint after he was again passed over for the CAO position. When this complaint was also rejected by the MSPB, appellant brought the present action.

The district court, after a week-long trial, dismissed appellant's suit. Although recognizing that appellant had established a prima facie case of race discrimination, the court nonetheless concluded that the MSPB had a legitimate reason for eliminating appellant from consideration: "they had concluded prior to the 1980 selection of CAOs that they wanted new faces and they wanted to remove most if not all of the incumbents."¹²

II. ANALYSIS

A. Legal Framework of Title VII Discrimination Cases

In *McDonnell Douglas Corp. v. Green*,¹³ the Supreme Court set forth the basic allocation of burdens and order of presentation of proof in a Title VII discrimination case. First, plaintiff must prove a prima facie case of discrimination by a preponderance of the evidence. Second, if plaintiff succeeds in proving this prima facie case, the burden then shifts to the defendant "to articulate some legitimate, nondiscriminatory reason for the employee's rejection."¹⁴ Third, if defendant carries this burden, plaintiff is then granted an opportunity to prove by a preponderance of the evidence that the facially legitimate reason offered by the defendant was not its true reason, but rather a pretext for discrimination.¹⁵

11. See Complaint at 3, reprinted in JA at 10; Answer at 7, reprinted in JA at 18.

12. Memorandum Opinion, No. 81-0927, at 8 (D.D.C. 24 March 1982), reprinted in JA at 20, 27.

13. 411 U.S. 792, 802-805, 93 S.Ct. 1817, 1824-1825, 36 L.Ed.2d 658 (1973).

14. *Id.* at 803, 93 S.Ct. at 1824.

15. *Id.* at 804, 93 S.Ct. at 1825.

The importance of these shifting burdens was reemphasized by the Court in the recent case of *Texas Dept. of Community Affairs v. Burdine*.¹⁶ Plaintiff always bears the ultimate burden of persuading the trier of fact that the defendant intentionally discriminated against him. "The *McDonnell Douglas* division of intermediate evidentiary burdens serves to bring the litigants and the court expeditiously and fairly to this ultimate question."¹⁷

In *McDonnell Douglas* the Court also outlined a model prima facie case of discrimination. Plaintiff must show:

- (i) that he belongs to a racial minority;
- (ii) that he applied and was qualified for a job for which the employer was seeking applicants;
- (iii) that, despite his qualifications, he was rejected; and (iv) that, after his rejection, the position remained open and the employer continued to seek applications from persons of complainant's qualifications.¹⁸

The Court added, however, that this standard is not inflexible since "[t]he facts necessarily will vary in Title VII cases, and the specification above of the prima facie proof required from respondent is not necessarily applicable in every respect in differing factual situations."¹⁹ The *Burdine* Court, acting on this suggestion, explained the prima facie case in a much more flexible manner: plaintiff must merely prove that he applied for an available position for which he was qualified, but "was rejected under circumstances which give rise to an inference of unlawful discrimination."²⁰

[1] Title VII prohibits discrimination against white males upon the same standards that it prohibits discrimination

16. 450 U.S. 248, 101 S.Ct. 1089, 67 L.Ed.2d 207 (1981).

17. *Id.* at 253, 101 S.Ct. at 1093.

18. 411 U.S. at 802, 93 S.Ct. at 1824.

19. *Id.* at 802 n. 13, 93 S.Ct. at 1824 n. 13.

20. 450 U.S. at 253, 101 S.Ct. at 1093.

against members of a racial minority.²¹ In other words, a plaintiff's ultimate burden of persuasion remains the same regardless of race: he must prove that the defendant intentionally discriminated against him. Yet this court has recognized that some adjustment is necessary in the prima facie case required of a white male.

The original *McDonnell Douglas* standard required the plaintiff to show "that he belongs to a racial minority." Membership in a socially disfavored group was the assumption on which the entire *McDonnell Douglas* analysis was predicated, for only in that context can it be stated as a general rule that the "light of common experience" would lead a factfinder to infer discriminatory motive from the unexplained hiring of an outsider rather than a group member. Whites are also a protected group under Title VII, but it defies common sense to suggest that the promotion of a black employee justifies an inference of prejudice against white co-workers in our present society.²²

Thus, to establish a prima facie case appellant needs to show more than that he was qualified for the CAO position but was rejected in favor of a black male from outside MSPB. He must also show that "background circumstances support the suspicion that the defendant is that unusual employer who discriminates against the majority."²³ In other words, to repeat the *Burdine* formulation, he must show that he

21. *McDonald v. Sante Fe Trail Transp. Co.*, 427 U.S. 273, 280, 96 S.Ct. 2574, 2578, 49 L.Ed.2d 493 (1976).

22. *Parker v. Baltimore & O.R. Co.*, 652 F.2d 1012, 1017 (D.C.Cir.1981).

23. *Id.* See also *Daye v. Harris*, 655 F.2d 258, 263 (D.C.Cir.1981).

24. 450 U.S. at 253, 101 S.Ct. at 1093.

25. Mem.Op. at 2, reprinted in JA at 21.

26. *Id.*

27. The Supreme Court has held that Title VII does not prohibit "race-conscious affirmative action plans." *United Steelworkers of America v. Weber*, 443 U.S. 193, 197, 99 S.Ct. 2721,

"was rejected under circumstances which [despite his majority status] give rise to an inference of unlawful discrimination."²⁴

B. The District Court's Opinion

The district court found that appellant "easily established his prima facie case."²⁵ We agree. He was amply qualified for the CAO position. Indeed, he had been filling it for some time with good results. Furthermore, he presented evidence that once the MSPB demoted him to acting CAO "he was given little or no consideration for the position,"²⁶ and was passed over in favor of a black male from outside the agency whose qualifications were not fully reviewed by the selecting official. Finally, at the time of selection the MSPB was under pressure from its head to increase the percentage of minority employees and was in the process of adopting an affirmative action plan.²⁷ These elements combine to make out a prima facie case of race discrimination against a white employee.

[2] Once appellant established his prima facie case, the burden shifted to the MSPB to articulate a legitimate, nondiscriminatory reason for its treatment of appellant. The reason given by the MSPB was that appellant was not up to the standards of the job: he had performed poorly as CAO and was accountable for personnel and production problems in the Washington Field Office. This is the reason Redenius gave to the EEO investigator.²⁸ It is the reason

2724, 61 L.Ed.2d 480 (1979) (approving direct quota allowing junior black employees to advance over white employees with seniority). But the Court declined to "define in detail the line of demarcation between permissible and impermissible affirmative actions plans." *Id.* at 208, 99 S.Ct. at 2729. Nor need we attempt such a task today. The MSPB has not purported at any point in the proceedings to justify its actions on the basis of an affirmative action plan. Under both *McDonnell Douglas* and *Burdine* an employer is held to the reason it articulates for rejecting an employee. If that reason proves pretextual, a court is not to substitute an alternative justification of its own accord. See pp. 1316-1317, *infra*.

28. See p. 1313, *supra*.

given in the MSPB's Answer to the original Complaint.²⁹ It is the focus of the MSPB's defense as presented to the trial court below.³⁰ And it is reiterated in the argument made to this court.³¹

There can be no doubt that "poor performance" was the response given by the MSPB when it was required, under the shifting burdens of *McDonnell Douglas*, "to articulate some legitimate, nondiscriminatory reason for the employee's rejection."³² Appellant devoted his energies at trial to rebutting this defense in an effort to show that it was merely a pretext for discrimination. The ultimate issues in the case were thereby brought clearly into focus. Yet the district court inexplicably granted judgment for the MSPB on a ground totally different from that upon which the MSPB relied.

The defendants did not single out plaintiff as a means of selecting a black; rather, they had concluded prior to the 1980 selection of CAOs that they wanted new faces and they wanted to remove most if not all of the incumbents.³³

The district court found that the MSPB simply wanted "to inject new blood into the agency" by means of a "change in personnel" among holdover CAOs.³⁴

The entire basis for this "clean sweep" justification presented by the district court appears to stem from a stray suggestion made to Redenius by another MSPB official who did not even take part in the selection process.³⁵ He suggested that because of public image problems it might be best "to replace all the staff members who were the

29. See Answer at ¶¶ 18 & 20, reprinted in JA at 17.

30. See Testimony of Mr. Redenius, reprinted in TR at 459-480, 505-510.

31. See Brief for Appellees at 12.

32. 411 U.S. at 802, 93 S.Ct. at 1824. A related justification presented by the MSPB is that Flanagan was better qualified than appellant. In other words, appellant is said to have been unqualified for the CAO position both absolutely and relative to his successor. But the argument for the latter point turns largely on evidence presented to establish the former. That is, the MSPB does not emphasize Flanagan's

key figures," including CAOs.³⁶ There is no indication that this suggestion was followed. Indeed, two of the five holdover CAOs were reappointed. More important, Mr. Redenius, the selecting official, never offered it as a reason for not selecting appellant. Nor was it ever put forward as a justification by the MSPB, either before this court or below. In fact, the MSPB has explicitly disavowed it.³⁷

The district court's substitution of a reason of its own devising for that proffered by appellees runs directly counter to the shifting allocation of burdens worked out by the Supreme Court in *McDonnell Douglas* and *Burdine*. The purpose of that allocation is to focus the issues and provide plaintiff with "a full and fair opportunity" to attack the defendant's purported justification. That purpose is defeated if defendant is allowed to present a moving target or, as in this case, conceal the target altogether.

[T]he defendant must clearly set forth, through the introduction of admissible evidence, the reasons for the plaintiff's rejection. The explanation provided must be legally sufficient to justify a judgment for the defendant. If the defendant carries this burden of production, the presumption raised by the prima facie case is rebutted, and the factual inquiry proceeds to a new level of specificity. Placing this burden of production on the defendant thus serves simultaneously to meet the plaintiff's prima facie case by presenting a legitimate reason for the

strong points so much as appellant's deficiencies.

33. Mem.Op. at 8, reprinted in JA at 27.

34. Id. at 8-9, reprinted in JA at 27-28.

35. Testimony of Mr. Mahoney, reprinted in TR at 691 ("We were not brought into these consultations to any great degree and we sort of were left out, wondering what was going to happen.").

36. Id. at 593. See also id. at 640.

37. Brief for Appellees at 24-25.

action and to frame the issue with sufficient clarity so that the plaintiff will have a full and fair opportunity to demonstrate pretext.³⁸

The Supreme Court explicitly added that "[a]n articulation not admitted into evidence will not suffice. Thus, the defendant cannot meet its burden merely through an answer to the complaint or by argument of counsel."³⁹ It should not be necessary to add that the defendant cannot meet its burden by means of a justification articulated for the first time in the district court's opinion.

Accordingly, the judgment of the district court cannot be sustained.

C. The Question at Issue

[3] The focus of this case is now on a single issue: Was appellant's poor performance as CAO the real reason for the MSPB's treatment of him?⁴⁰ If true, appellant's case is defeated and judgment must be for the MSPB. If, however, appellant shows that reason to be specious, then in conjunction with his prima facie case appellant has carried his burden of proving discrimination by a preponderance of the evidence.

38. 450 U.S. at 255-56, 101 S.Ct. at 1094-95.

39. Id. at 255 n. 9, 101 S.Ct. at 1094 n. 9 (emphasis added). See also *SEC v. Chenery Corp.*, 318 U.S. 80, 63 S.Ct. 454, 87 L.Ed. 626 (1943) (administrative agency must defend its decision in court on the same basis as it gave for the decision itself).

40. As noted, the MSPB claims not only that appellant was unqualified for the CAO position but also that his successor was qualified. There appears to be little doubt that at the time of the first selection process the latter statement was true. Flanagan's paper record made him a plausible candidate for a CAO post and on the basis of that record he successfully passed the initial screening panel. Furthermore, Redenius testified that Flanagan was impressive and articulate in the personal interview preceding his selection. Testimony of Mr. Redenius, reprinted in TR at 550. But in order to establish pretext appellant need not show that Flanagan was unqualified. He need only show that he himself, contrary to the MSPB's assertions, was fully qualified. As we shall see, he demonstrates this with ease. Appellant's position is then further bolstered by evi-

There is no need to remand to the district court to resolve this issue. It is clear from the record and even from the district court's opinion that appellant did not perform poorly as CAO.⁴¹ In fact, his performance was good, perhaps excellent, and he met all the standards and objectives of the job. Therefore, poor performance could not have been the reason for his nonselection. Since any other finding would be clearly erroneous, a remand on the issue would serve no purpose.⁴²

As noted, Redenius gave three reasons why he considered appellant to be "not up to the standards" of the CAO position.⁴³ All three reasons have been decisively refuted by the evidence in the case. Indeed, the Stipulations of Fact alone, stipulations voluntarily entered into by the MSPB, are sufficient to undermine most of Redenius' claims.

First, Redenius asserted that "Lanphear did not handle people well and alienated his entire workforce."⁴⁴ He cited a number of management problems and Equal Employment Opportunity (EEO) complaints filed against appellant. "Redenius alleged that there were more problems in that unit in 1979 than in the rest of the organization."⁴⁵

dence that, at the time of the first selection, Redenius did not fully review Flanagan's qualifications, see p. 1313, *supra*, and that, at the time of the second selection, Redenius ignored indications that Flanagan himself had performed poorly as CAO, see pp. 1317-1318, & n. 65, *infra*.

41. The district court failed to identify this issue as the crux of the case and therefore failed to make any specific finding on it. But it is clear from remarks scattered throughout the opinion that the district court implicitly found that appellant did not perform poorly as CAO. See, e.g., Mem.Op. at 4, 5, and 9, reprinted in JA at 23, 24, and 28.

42. *Independent Bankers Assoc. v. Helmann*, 613 F.2d 1164, 1167 (D.C.Cir.1979).

43. See note 10, *supra*; Testimony of Mr. Redenius, reprinted in TR at 505-510.

44. EEO Report at 4, reprinted in JA at 68.

45. Id. See also Testimony of Mr. Redenius, reprinted in TR at 510.

These allegations are simply not borne out by the Record Evidence. A number of witnesses testified and the trial court found that appellant was a well-regarded and "a popular CAO."⁴⁴ All his performance evaluations rated him as either "excellent" or "very good" in management ability.⁴⁵ A number of witnesses who had worked for both Lanphear and Flanagan "all spoke highly of the plaintiff and described him as being more knowledgeable in the field and a much better administrator than Flanagan."⁴⁶ Furthermore, the parties stipulated that during his 23-month tenure as CAO only two formal EEO complaints were filed by WFO personnel.⁴⁷ In both instances the actions of which his subordinates complained were taken by appellant's superiors contrary to his recommendations.⁴⁸ Indeed, the major incident relied on by the MSPB to illustrate appellant's allegedly poor management is his promotion recommendation for one of these two employees. It is paradoxical to say the least to blame appellant both for his recommendation that the employee be promoted and for the EEO complaint filed by that employee when he was not promoted,⁴⁹ especially since that complaint was subsequently settled by granting the employee the promotion retroactively with back pay.⁵⁰ Furthermore, this promotion recommendation was the only one of eleven he made as CAO that was not ap-

44. Mem.Op. at 9, reprinted in JA at 28. See Testimony of Ms. Bogle, reprinted in TR at 385-86; Testimony of Ms. Johnston, TR at 750-751; Testimony of Mr. Richardson, TR at 767; Testimony of Ms. Gibson, TR at 799-800; Testimony of Mr. Hoxey, TR at 805; Testimony of Mr. Clancy, TR at 921; Testimony of Mr. Doherty, TR at 939.

47. Reprinted in JA at 47-53.

48. Mem.Op. at 9, reprinted in JA at 28. See note 46, *supra*.

49. Stipulations at ¶ 30, reprinted in JA at 33.

50. *Id.*

51. The MSPB has alleged that the fact that the employee in question was not ready for promotion was due to appellant's failure to provide sufficient guidance and counseling as to that employee's deficiencies. Brief for Appellees at 11. But that allegation is belied by the testimo-

proved.⁵² The degree to which the MSPB harps on this single incident merely highlights the weakness of its defense.

Redenius' second reason was "the large backlog that still existed in the Washington Field Office as well as the number of unassigned cases."⁵³ But the parties have stipulated that appellant "substantially reduced" this backlog during his tenure as CAO.⁵⁴ There were 706 cases pending at the time of his appointment and only 174 cases pending when he was removed. 2419 final cases were produced in the interim. By contrast, during the nine months following appellant's removal, while Flanagan was CAO, the backlog of cases increased by almost 300 to 471.⁵⁵ Furthermore, unrebutted testimony shows that appellant made case assignments on a prompt basis and at no time had any unassigned cases.⁵⁷

The parties also stipulated that "[e]ach CAO operated under a performance appraisal plan with a critical element providing that he or she 'organizes efforts of staff and office systems to maintain timely production at minimized cost.' The performance standard under that element required that '95% of field office decisions [be] issued within 120 days.'"⁵⁸ Appellant easily met this "critical" standard. During his tenure less than four percent of the applicable cases exceeded the 120-day limitation.⁵⁹ The MSPB simply offers no reason to doubt

ny of the employee who stated that appellant carefully discussed with him and critiqued each of his cases. Testimony of Mr. Tape, reprinted in TR at 324.

52. *Id.* at 326.

53. Stipulations at ¶ 23, reprinted in JA at 33.

54. EEO Report at 4, reprinted in JA at 68.

55. Stipulations at ¶ 4, reprinted in JA at 30.

56. *Id.* at ¶¶ 2, 4, 5, 15, reprinted in JA at 30-32.

57. Testimony of Ms. Johnston, reprinted in TR at 754.

58. Stipulations at ¶ 7, reprinted in JA at 31.

59. Supplemental Stipulations at ¶ 2, reprinted in JA at 39.

the appraisal of appellant's supervisor that he "performed extremely well in an office with a very heavy workload and many unusual and difficult cases."⁶⁰

The final reason offered by Redenius in support of his contention that appellant was a poor CAO was that appellant's work product was "sloppy" and "erratic."⁶¹ But this claim is belied by those directly responsible for supervising appellant. He constantly received the highest ratings for his work product, for his judgment and problem solving ability, for his writing skills and for his knowledge of the law and of investigative methods.⁶² Nowhere in the Record does MSPB attempt to contradict these appraisals. Furthermore, as already noted, witnesses who worked for both men testified that appellant was more knowledgeable in the field than his successor.

Only one conclusion is possible from the evidence. The MSPB's treatment of appellant did not stem from his poor performance as CAO. Yet this was the only justification offered by the MSPB in the face of appellant's prima facie case of discrimination.

D. Conclusion

The district court characterized the initial CAO selection procedure as "unusual."⁶³ The term seems mild for the disregard shown and misrepresentations made to appellant,⁶⁴ especially in light of his long, dedicated service to the agency. The second selection process, when the CAO position was upgraded to the Senior Executive Service, was found to be "pro forma," with no attention paid to evidence that appellant

60. Evaluation of Employee Performance for Thomas Lanphear (Feb. 1979) at 4, reprinted in JA at 47, 50.

61. EEO Report at 4, reprinted in JA at 68.

62. See note 3, *supra*.

63. Mem.Op. at 8, reprinted in JA at 27.

64. Mem.Op. at 2-3, reprinted in JA at 21-22 ("The plaintiff also presented evidence that he was never advised that he was in an 'acting' status until Nov. 1979 and he never received formal written notification of the change in his status. His attempts to ascertain his exact

had performed better as CAO than his successor."⁶⁵ With respect to both selection procedures, appellant has demonstrated by a preponderance of the evidence that he was a victim of discrimination in violation of Title VII.

The judgment of the district court is reversed and the case is remanded with instructions to enter judgment for the appellant Thomas Lanphear and to award him appropriate relief.

So ordered.



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Regional Directors
Administrative Officers and Assistants

Frederick L. Foley, Acting Director
Personnel Management Division

Recruitment of Attorney-Examiners

Please refer to the attached vacancy announcement for an attorney-examiner position. You must fill in the issue and closing dates in the upper right corner. The issue date should be the first day you post or circulate the announcement. The closing date is at your discretion, however, for maximum flexibility, I suggest using "open until filled." That would permit you to fill the vacancy immediately or to wait for a highly qualified candidate. That flexibility is especially useful when more than one position is to be filled.

Should you use "open until filled" as your closing date, you must close the vacancy announcement on a date certain at some point. Technically there is no restriction on the amount of time an announcement may remain open. It is practical to close the announcement when all positions have been filled or when further recruitment is unnecessary. To accomplish this the attached blank vacancy announcement should be used. All information above the duties and responsibilities section should be filled in the same way the vacancy announcement read. In addition, "(Revised)" must be added after the announcement number on the top line and, in the duties and responsibilities section you should indicate that "This vacancy announcement closed (date)." The closing announcement should be circulated to the same organizations and be placed on the same bulletin boards as the original announcement. It should not be circulated to any publications which must be paid for advertising.

It is imperative that applicants satisfy the qualification requirements specified on page one. You may not consider for the position applicants who do not meet these requirements. Page two of the announcement instructs applicants to mail applications to your administrative officer or assistant. You should have that individual screen the material to weed out applicants who do not meet the qualification requirements. Please refer to MSPB Order No. 1412.1 (February 2, 1981) on "Personnel Management -

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Excepted Service" for a more complete explanation of employment and advancement of excepted service attorneys generally and of preference consideration which must be given to veterans. Let Sue Mandle know if you do not have a copy of this Order.

Once you have narrowed your pool of applicants to those who are qualified, you must complete the attached "promotion certificate." The "certificate number" is "[your regional office] Ann. # ___-___." The "date certificate issued" is the date the completed certificate is forwarded to the "selecting official," which is the regional director. The "certifying official" must be different from the selecting official. The AO or AA should sign off as the certifying official after reviewing the applications and making sure that the name of each applicant who satisfies the qualification requirements is listed on the certificate. Under "Instructions" the names of those in your pool of qualified applicants should be listed alphabetically. If there is not enough space the list should be continued on an additional certificate labeled page 2, and so on if more pages are needed. The "deadline for returning certificate" (to the certifying official) is 30 days after the date issued. Within that time, the hiring selection should be made and the name of the selectee, or selectees if more than one position is being filled, should be indicated under "Selection" at the bottom of the certificate.

→ The ranking factors can be used for any further subdividing of applicants the selecting official wishes. Significantly, it is not contemplated that a numerical system be used for attorney positions. (See the attached FPM letter and accompanying decision.) Rather, the ranking factors are to be used as guidance, particularly when you have a large pool of qualified applicants. For example, in a hypothetical group of 75 qualified applicants you may distribute the applications in piles according to how many of the ranking factors the applicant has demonstrated experience with. You may decide to consider more seriously those who have actual experience with 75% or more of the factors. The important thing is to be consistent for the duration of the process and to document your method so that there is an audit trail which can be used to respond to any inquiries.

After you have decided who you wish to hire, the promotion certificate and supporting materials specified under "Instructions" should be forwarded to Pat Ealey in the Personnel Management Division. The Personnel Management Division will hold the materials for two years as required by regulations. You should retain a copy of the certificate for your records. Ms. Ealey will offer the formal commitment to the successful applicant as soon as possible after receiving the material. Understandably you will probably verify whether your tentative selection desires the position. However, you must make clear that the position is not formally committed until an offer is extended from the Personnel Management Division.

Do not hesitate to call me at 653-7120 if you have any questions.

Attachments

AMDRO:SMandle:yc:3-8-82
RDAOA.YC

Position Title, Series and Grade (Known Promotion Potential):	Certificate Number:
Organization:	Vacancy Announcement Number: Closing Date:
Date Certificate Issued:	Deadline for Returning Certificate to Personnel:

INSTRUCTIONS:

The candidates certified below have been rated "best qualified" under the Merit Promotion Plan procedures. Their applications and appraisals are attached. Any name on the list may be selected. Candidates eligible for non-competitive consideration may also be selected and are so noted. For interview guidelines refer to MSPB Order 1416.1, Chapter 3, Para. 3. Please place a check mark by each interviewed candidate.

Signature of CERTIFYING OFFICIAL	Date
SELECTION (Choice for Vacancy)	
Name	Proposed Effective Date
Signature of SELECTING OFFICIAL	TITLE Date

Office of Personnel Management

FPM Letter 302-5 10/11

Federal Personnel Manual System

FPM Letter 302-5

Published in advance
of incorporation in FPM
Chapter 302
RETAIN UNTIL SUPERSEDED

SUBJECT: Exemption of Attorney Positions from Procedural Requirements
for Appointments in the Excepted Service

Washington, D. C. 20415
September 24, 1979

Heads of Departments and Independent Establishments:

1. The Office of the Legal Counsel, Department of Justice, has ruled that the Office of Personnel Management (formerly the Civil Service Commission) is barred by its appropriation act, which prohibits examining for attorneys, from imposing or approving any rating system for use in hiring attorneys. A copy of the decision is attached.

2. In line with this ruling, current regulations governing appointments in the excepted service are being revised to exempt attorney positions. Agencies cannot be required to follow the requirements of part 302 of the regulations in developing attorney selection procedures. Agencies are expected, however, to provide preference to veterans under whatever procedures they use and to provide veterans, on request, with the reasons for their nonselection for attorney positions.

3. The Justice Department's decision applies only to attorney positions and does not change the regulations applicable to other positions in the excepted service. Agencies wishing to adopt alternative selection procedures for excepted positions not specifically excluded from coverage under part 302 of the regulations must still obtain Office approval as provided in section 302.105, or must enter into a delegation agreement allowing the agency to approve exceptions from the regulatory requirements, before the alternative procedures may be used.

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Arch S. Ramsay
Associate Director
Staffing Services

Attachment

Inquiries: Inservice Placement Branch, Staffing Services, 632-4533

Code: 302 - Employment in the Excepted Service

Distribution: FPM

Assistant Attorney General
(Print or Type Name)

Attachment to PPM Ltr 302-5

Department of Justice
Washington, D.C. 20530

10 APR 1979

MEMORANDUM FOR ALAN K. CAMPBELL
Director, Office of Personnel Management

Re: Attorney Hiring and the Veterans'
Preference Act

This responds to your February 2, 1979 request for our opinion on whether the Department of Justice attorney hiring procedures give effect to the Veterans' Preference Act. (Public Law 359, 78th Cong. 2d Sess. (1944); 58 Stat. 387, codified at 5 U.S.C. §§ 2108 and 3309-3320). You have also asked whether the Office of Personnel Management (OPM) 1/ may prescribe an examination procedure (particularly a numerical rating system) for the selection of attorneys. We are pleased to respond. For the reasons that follow it is our conclusion, first, that this Department's attorney hiring practices do fully take into account the preferences that Congress has afforded veterans, and second, that OPM is barred by its appropriations legislation from imposing a rating or other examination system on the hiring of attorneys within the Executive Branch.

In the competitive civil service, also called the classified civil service, the Veterans' Preference is implemented by adding a designated number of points to an eligible veteran's examination score. Section 3 of the 1944 Veterans' Preference Act, codified at 5 U.S.C. § 3309, prescribes the following point system in the competitive service.

1/ The Civil Service Reform Act of 1978, Public Law 95-454, 95th Cong., 2d Sess. (1978), and Reorganization Plan No. 2 of 1978 (43 Fed. Reg. 36037) divided the functions of the U.S. Civil Service Commission between two new agencies -- the Office of Personnel Management (OPM) and an independent Merit System Protection Board. Since the legislative history and Executive orders cited herein refer to the Civil Service Commission, we will use the terms "Commission" and "OPM" interchangeably.

A preference eligible who receives a passing grade in an examination for entrance into the competitive service is entitled to additional points above his earned rating, as follows --

- (1) a preference eligible under section 2108(3)(C)-(G) of this title -- 10 points; and
- (2) a preference eligible under section 2108(3)(A) of this title -- 5 points.

Section 2108 of Title 5 defines a "preference eligible" as an honorably discharged veteran who served in the armed forces under such conditions as are set forth in that section. Certain disabled veterans and, in some cases, their relatives or survivors are entitled to the 10-point preference provided by § 3309, while certain nondisabled veterans are entitled to a 5-point preference.

Although this point system was not mandated by statute until June 27, 1944, it had been implemented in the Executive Branch since March 3, 1923 pursuant to President Harding's Executive Order No. 3801, as amended. In this connection, the report of the Senate Civil Service Committee on the 1944 Veterans' Preference Act states that:

Section 3 [of the Act] would enact into law the 10-point preference for service connected disabled veterans and the 5-point preference for non-disabled veterans presently contained in civil-service rules.

Senate Report No. 907, 78th Cong., 2d Sess. p. 2 (1944). The 1944 Act merely gave legislative sanction to the then existing point system.

Although, by its terms, section 3309 applies only to the competitive service there is a suggestion in 5 U.S.C. § 3320 that such a system is required in the excepted service. This provision reads in pertinent part as follows:

Attachment to FPMR, 51 CFR 101-11.3 (3)
The nominating or appointing authority shall select for appointment to each vacancy in the excepted service in the executive branch . . . from the qualified applicants in the same manner and under the same conditions required for the competitive service by sections 3308-3318 of this title.

Since the point system is required in the competitive service by § 3309 it seems at first blush that the excepted service must also follow such a procedure. Upon closer scrutiny, however, it may be seen that this is not the case. Section 3320 in its present form is a result of Public Law 89-554, 89th Cong., 2d Sess. (1966); 80 Stat. 422, which combined and restated for clarity §§ 9, 2/ and 20 of the 1944 Veterans' Preference Act. See § 7 of Public Law 89-554. (Section 20 merely exempts application of the Act in the Legislative and Judicial Branches as well as advice and consent positions in the Executive Branch.)

The language of § 9 of the 1944 Act reads in pertinent part as follows:

In the unclassified federal . . . civil service . . . the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this act.

This language is far less suggestive that a point system is required in the excepted service than the "clarifying" language of § 3320. Further, § 9 when read with the rest of the Act, particularly § 2, shows that it was intended to require that an employee preference was to be extended to those classes of preference eligibles listed in the Act. Section 2 of the 1944 Act provides in pertinent part that with respect to applicants for Federal employment in the unclassified civil service as well as the classified civil service "preference shall be given" to preference eligibles. The method of implementing this preference was spelled out for the competitive service, i.e., the point system. However, the general direction of § 2 that a preference be granted to eligible veterans is the language controlling application of the preference in the excepted service.

2/ Section 9, first codified at 5 U.S.C. § 858, is now codified at 5 U.S.C. § 3320.

Section 3309's system was modified in 1953 to provide, among other things, that preference points would be given only to those veterans receiving a passing score on an examination. 67 Stat. 581. Before this amendment the points were added to preference eligible scores if the points would bring the veteran to the qualifying score. Significantly, it was stated in the legislative history of this amendment that the amendment would affect "the veteran in the competitive civil service system." Senate Report No. 679, 83rd Cong., 1st Sess. 1 (1953). Thus, it seems that the drafters of the Senate Report believed that the point system is not required in the excepted service.

Moreover, the essential distinction between the competitive and excepted service is that positions in the former are filled on the basis of competitive examinations while those in the latter are not. See 5 U.S.C. §§ 2102, 2103. 3/ The Act contemplates continuation of the distinction. It makes reference to the unclassified service as well as the classified service. If examinations were required in the unclassified service this would result in the positions examined for being placed in the classified service, thereby eliminating the unclassified service. Therefore, the Veterans' Preference Act's reference to unclassified service would be inaccurate if it intended that all positions filled pursuant to the Act be subject to examination. Since there was no intent to erase this distinction and since the language of the Act itself requires that points be added only to an applicant's earned rating resulting from an "examination" 4/ we must conclude that the point system is not required in the unclassified service.

In considering both the question whether the Department's attorney hiring procedure gives effect to the Veterans' Preference Act and whether OPM could require that the Department implement a numerical rating system for attorneys we now turn to a historical examination of attorney hiring and veterans' preference.

3/ These provisions also were a result of Public Law 89-554, supra. They merely carried forward, without substantive change, their predecessor provisions (22 Stat. 406) with respect to the competitive service. See section 7 of Public Law 89-554. The earlier provisions noted this key distinction between the competitive and noncompetitive service.

4/ It might be suggested that a numerical rating system does not constitute an examination. However, we conclude in the discussion that follows that it does.

History of Attorney Hiring and Veterans' Preference Since 1941

President Franklin D. Roosevelt, by Executive Order No. 8044 (Jan. 31, 1939), appointed a committee to study and make recommendations on, among other things, how civil service procedures should apply to attorneys. In February 1941, that committee submitted its report entitled Report of the President's Committee on Civil Service Improvement, House Document No. 118, 77th Cong., 1st Sess. (1941). The report presented two major views--Plan A and Plan B-- on attorney selection procedures. 5/ Plan B recommended, at least in the case of inexperienced attorneys, that they be examined and rated competitively. Taking a contrary view, the authors of Plan A reasoned:

[I]t seems to us highly unwise to force the unique problem of the attorney positions into any general pattern simply for the sake of uniformity. Wise administration of the civil service, as of other organizations, may often indicate the need for flexibility and ad hoc adjustments, even at the cost of uniformity and symmetry

We therefore have considered and presented our recommendations on the assumption that the attorney positions present a unique problem in the professional service, which must be solved individually rather than by application of a general formula.

House Document, No. 118, supra at 32-33. Plan A's proponents thus recommended against a rating system for attorneys. They also objected to the application to attorneys of the competitive service procedure of certifying three applicants for each position to the appointing officer. See 5 U.S.C. § 3318. It was stated in this connection:

5/ Urging Plan A were Mr. Justice Reed, the committee's chairman, Mr. Justice Frankfurter, Attorney General Jackson, and Mr. Cato Dunn. Messrs. McReynolds, Leonard D. White and General Robert E. Wood, urged Plan B.

We feel that any mechanical ranking and certification would operate in an undesirably arbitrary manner, that the superior officer who is responsible for the appointee's work should have more voice in his selection, and that no principle of civil service or wise administration requires that there be an assumption of absolute accuracy in rating the candidates all of whom by definition are qualified to do legal work of a high order.

House Document, No. 118, supra at 38 (emphasis added). President Roosevelt in 1941 adopted Plan A in Executive Order 8743. This Executive Order is published in the United States Code under the notes and comments to 5 U.S.C. § 3301. That order directed that all attorney positions be brought into the competitive service and it created the Board of Legal Examiners which was to establish rules and procedures for attorney selection in the Federal Government. Subsection 3(d) of Executive Order No. 8743 set forth the functions of the Board as follows:

The Board in consultation with the Civil Service Commission, shall determine the regulations and procedures under this section governing the recruitment and examination of applicants for attorney positions, and the selection, appointment, promotion, and transfer of attorneys in the classified service.

The Executive Order also directed the Commission to establish a register of eligibles from which attorney positions were to be filled. And, § 3(f) of the order directed that:

registers shall not be ranked according to the ratings received by the eligibles, except that persons entitled to veteran preference . . . shall be appropriately designated thereon.

Thus, while an examining procedure was sanctioned to determine minimum attorney qualifications, a rating system was prohibited.

Attachment to FPM Ltr. 302-5 (7)

"The examination consists of a written test, an evaluation of the applicant's records, and oral examinations before the state and local boards." U.S. Board of Legal Examiners, Report to the President. 1941-1944, p. 34 (1945).

Numerical grades were not assigned upon the examination as a whole, but only upon the written test. The applicants who were recommended for inclusion upon the register were, however, given ratings of "Outstanding," "Excellent," "Good," and "Fair" on the basis of recommendations from the various examining boards. These descriptive ratings were shown upon the register list. The list also showed the length of professional experience of each individual included.

Id. at 36. The examination score determined who would be placed on the register of eligibles. The register was distributed to all government agencies and as appointing agencies they were given "unrestricted choice from among the eligibles" with respect to beginning attorney positions. Id. at 37. See also Hearing on H.R. 1025, a bill to create a Board of Legal Examiners in the Civil Service Commission, before a subcommittee of the Senate Committee on Civil Service, 78th Cong., 1st Sess. at 57-59 (1943). But at the same time the register directed the attention of appointing officers to their duty to prefer preference eligibles in making appointments. Id. at 47-48. However, there seems to have been no guidance as to how appointing officers were to fulfill this duty. Thus, veterans' preference points were added to the written examination score. This was, however, only a third of the total examining process. Moreover, the preference points were used only in the determination as to which applicants would be placed on the register of eligibles. Consequently, the points clearly benefited only those preference eligibles who received marginal examination scores and needed the points to qualify for listing on the register. Preference points were not used in the most important aspect of the employment process -- the actual appointment. Appointing agencies were merely instructed to "prefer" preference eligibles over other applicants. This preference at the appointing stage could only have been implemented by considering preference eligible status as a positive factor in the employment decision.

Attorney Examinations Barred

The Legal Examining Board established by Executive Order No. 8743 was destined to operate for but a short time. In 1942 the Senate proposed the following amendment to the Independent Offices Appropriation Act of 1943.

[N]o part of any appropriation in this act shall be available for the salaries and expenses of the Board of Legal Examiners created in the Civil Service Commission by Executive Order No. 8743 of April 23, 1941.

88 Cong. Rec. 3822. However, this language was deleted as part of a House-Senate compromise. In lieu of this amendment, the appropriation available for the Board of Legal Examiners was limited to \$80,000 "with the understanding that such authorization [was] not to be regarded as giving permanent status to this activity and that appropriations for future years [would] be dependent upon passage by the Congress of substantive law authorizing a Board of Legal Examiners." House Conference Report No. 2259, 77th Cong., 2d Sess. (1942); and statement of House Managers 88 Cong. Rec. 5441.

As the above quoted language indicates this restriction was sought by Congressmen who believed that the Board should have been created by legislation rather than by Executive Order. Such legislation later passed the House (89 Cong. Rec. 3565) however, it subsequently died in the Senate Civil Service Committee. See 90 Cong. Rec. 2659-60.

Whether the Legal Examining Board created by Executive Order 8743 should be continued was debated in the legislative history of the Independent Offices Appropriation Act of 1944. It is there made clear that the intent of the restriction was to prohibit "any civil service examination of lawyers." 90 Cong. Rec. 2659 (1944). See also 90 Cong. Rec. 2660-61. This prohibition was based largely on the view that the Commission has no business in determining the "relative qualifications" of attorneys. 90 Cong. Rec. 2661. The premise underlying this view was that the Commission was not competent to pass on the qualification of lawyers.

90 Cong. Rec. 2661 (1944). 6/ The restriction thus became law. It reads as follows:

[N]o part of any appropriation in this Act shall be available for the salaries and expenses of the Board of Legal Examiners created in the Civil Service Commission by Executive Order Numbered 8743 of April 23, 1941.

57 Stat. 173 (June 26, 1943). 7/

A virtually identical restriction has been included in each subsequent Commission appropriation since 1944. This appropriation governing OPM's present activities, that is for fiscal year ending September 30, 1979, reads as follows:

No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit 8/ of the Commission established pursuant to Executive Order 9358 of July 1, 1943 [8 Fed. Reg. 9175]; or any successor unit of like purpose.

Public Law 95-459, 95th Cong., 2d Sess. (1978); 92 Stat. 1007.

6/ Although it was suggested that a legal examining board for Executive Branch attorney positions be established in the Justice Department (90 Cong. Rec. 2661 (1944)) this has never been done.

7/ This restriction placed attorney positions in a peculiar situation. They were, pursuant to Executive Order No. 8743, in the competitive service. However, because of the restriction the Commission could not conduct attorney examinations. The restriction was placed in each subsequent Commission appropriation and finally in 1947 President Truman, by Executive Order 9830, placed all attorney positions in the excepted service.

8/ The reference to the "Legal Examining Unit of the Commission" rather than the Board of Legal Examiners was occasioned by Executive Order No. 9358, which vested the power of the Board in the Commission. Some members of Congress had questioned whether the Board should be continued absent specific legislation. Thus,

(Footnote 8/ continued on page 10)

Attachment to FPM Ltr. 302-5 (10)

Thus, it is plain that the Commission may not, in light of the continuing appropriation restriction, require civil service examinations for attorneys. 9/ A rating system such as has been suggested for attorney hiring is one form of a civil service examination and was frequently used to "examine" for attorney positions. This examining procedure is called an "unassembled examination."

The unassembled examinations, long used for skilled-trades positions, were adopted for use in examinations for high-grade administrative and professional positions. In the unassembled examination the competitor does not take a written examination, but is rated instead on his knowledge and experience evidenced by his education and by the positions he had previously held.

History of the Federal Civil Service: 1789 to the Present, U.S. Civil Service Commission (1941) at p. 77. The Board of Legal Examiners itself recognized such examinations for attorney positions in the civil service. U.S. Board of Legal Examiners Report, supra, pp. 14, 27 and Appendix H. In fact, one phase of the Board's examining procedures, the evaluation of the applicant's records, was an unassembled examination. Therefore, an attorney rating system amounts to a civil service examination and for that reason may not be required by OPM.

8/ continued from page 9.

Executive Order No. 9358 transferred the Board's authority to the Commission "pending action by the Congress with respect to the continuance of the Board." The 1943 appropriation restriction and subsequent restrictions, of course, barred further action by the Board.

9/ It might be argued that the Commission would not be imposing selection procedures if it only requires that agencies establish their own procedures. However, if the Commission purports to have the power of approval or rejection of such procedures this approval power would be tantamount to Commission imposition of selection procedures for attorneys.

The debators of the 1944 appropriations restriction did not fail to discern its effect on veterans' preference. Senator Burton, for example, stated that the termination of civil service examinations for attorneys would "do away with veterans' preference" with respect to those positions. 90 Cong. Rec. 2660-61 (1944). Although we agree with Senator Burton insofar as the ban on Commission examination of attorneys denies the Commission the ability to impose a numerical rating system on attorneys, we disagree with him in that we believe implementation of the Veterans' Preference Act is possible without such a system.

The Department's Present Attorney Hiring Procedures

This Department believes that it is obliged to apply the Veterans' Preference Act in some meaningful fashion with respect to attorney hiring. To that end, on all Justice Department employment applications is the question whether the applicant is claiming veteran's preference. The fact that a person is a preference eligible is weighed as a positive factor in the employment decision in the Department's regular attorney hiring program. 10/ We have been informed that this factor often accounts for the selection of the veteran over other attorney applicants, and that this is especially so when the veteran's other qualifications place him in close competition with other applicants. In such cases the veteran is preferred over other applicants with substantially equal qualifications. //

This procedure is consistent with application of the Veterans' Preference Act as regards attorney hiring since 1941. As stated above, Executive Order 8743 by prohibiting an attorney rating system resulted in a situation in which veterans' preference could be implemented only by considering it positively in the employment decision. Congress in response to the Executive Order, rather than requiring a rating system, further

10/ The Department is experimenting with a numerical rating system in its Honor Program which is geared toward the hiring of attorneys directly out of law school and accounts for approximately 15% of the Department's attorney recruitment. In this experimental program veterans do receive additional rating points. In this connection it should be noted that while OPM is barred by its appropriation legislation from implementing attorney examination systems, this bar does not extend to other agencies, not similarly restricted, that might wish to implement or experiment with rating or other examining systems in their own attorney hiring procedures.

Attachment to FPM Ltr. 302-5 (12)

restricted Commission control over attorney selection by barring the Commission from examining attorneys even to determine minimum qualifications. Thus, Congress implicitly sanctioned the implementation of the Veterans' Preference Act with regard to attorney hiring by use of a procedure such as ours.

In sum, we believe that our attorney hiring procedure gives full effect to the Veterans' Preference Act, and as we discuss above, we do not believe that OPM may require that the Department implement a numerical rating system since this is a form of civil service examination and OPM is prohibited by its appropriation restriction from requiring such examinations for attorneys.

John M. Harmon
Assistant Attorney General
Office of Legal Counsel

Vacancy Announcement



APPENDIX L

Announcement No. : 82-10
Issue Date : April 2, 1982
Closing Date : Open Until Filled
Area of Consideration: All Sources in the
San Francisco Metropolitan
Area

POSITION: Attorney-Examiner, GS-905-12/13/14

ORGANIZATION LOCATION: Merit Systems Protection Board
San Francisco Regional Office

PROMOTIONAL POTENTIAL: May have promotion potential
to GS-15

GEOGRAPHIC LOCATION: Merit Systems Protection Board,
San Francisco Regional Office
525 Market St. (Rm 2400)
San Francisco, CA 94105

SALARY RANGE: GS-12, \$28,245-\$36,723 GS-14, \$39,689-\$51,596
GS-13, \$33,586-\$43,666

DUTIES AND RESPONSIBILITIES: The Merit Systems Protection Board is a quasi-judicial agency created by the Civil Service Reform Act of 1978. The appeals function is responsible for adjudicating all types of appeals from Federal employees and applicants for employment arising under the Act, e.g., removals, suspensions, reductions-in-force, reductions in pay, reemployment rights, etc., under rules and regulations of the Board, which have the effect of law.

The Board exercises two types of jurisdiction, original and appellate. The Board's original jurisdiction is over cases in which no formal agency action has been taken, and its appellate jurisdiction is over cases specified in the Reform Act where there have been prior actions within an agency.

Listed below are typical duties which may vary depending on grade level of position being filled. The incumbent receive appeals from Federal employees, former employees, applicants, and appropriate successors in interest in accordance with the Civil Service Reform Act, regulations of the Office of Personnel Management, and other laws and regulations when applicable. Whenever required procedures for effecting personnel actions are established, incumbent determines compliance or whether harmful error occurred from any non-compliance. Incumbent determines whether formal hearing is appropriate and whether it will be open to the public should an objection be made by either party. INCUMBENT CONDUCTS FORMAL HEARING AND WRITES DECISIONS. Position requires travel as appellate workload requires. Assignment to other appellate organizational segments on a temporary or permanent basis as part of career development may occur.

QUALIFICATION REQUIREMENTS: Applicants must have general and specialized experience as described below. This requirement is in accordance with the OPM-X-118 Handbook, available in your Personnel Office, which specifies when and how education may be substituted for the experience. Applicants must also meet, when specified, Selective Placement Factors listed below:

All qualifications for this position are in accordance with Board qualification standards for the hiring of attorneys. ALL APPLICANTS MUST BE LAW SCHOOL GRADUATES AND HAVE BAR MEMBERSHIP. IN ADDITION THE FOLLOWING REQUIREMENTS MUST BE MET

GS-12 Two years of professional legal experience -or- second law degree (LL.M) plus one year of professional legal experience -or- Superior law student work plus one year of professional legal experience.

GS-13 Three years of professional legal experience -or- second law degree (LL.M) plus two years of professional legal experience -or- Superior law student work plus two years of professional legal experience.

GS-14 Four years of professional legal experience -or- second law degree (LL.M) plus three years of professional legal experience -or- Superior law student work plus three years of professional legal experience.

QUALITY OF EXPERIENCE: At least one year of the required experience at each grade level must be equivalent to the next lower grade for which application is made.

One year of experience in hearing/adjudicating cases, including the interpretation of laws, rules, regulations, etc., may be substituted for each year of the required professional legal experience.

RANKING FACTORS: Applicants who meet the qualification requirements described above will be further evaluated by determining the extent to which their education, work, or related experience, training, awards or professional recognition and supervisory appraisals indicate they possess or have the potential to acquire knowledges, skills, and personal characteristics described below:

Knowledge of the established process for dispute resolution. Familiarity with Federal civil service and EEO laws, rules, regulations, and court decisions. Ability to analyze facts and develop sound conclusions and make reasoned rulings on motions, offers of proof, etc. Ability to develop case records and produce case decisions in a timely manner. Ability to establish and maintain effective working relationships. Ability to communicate effectively orally and in writing. Ability to maintain a judicial temperament and impartiality.

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Factors will be applied based on requirements of grade level applied for.

TO APPLY: For each announcement under which application is made, the following must be submitted: (a) Complete Supervisory Appraisal Form attached and (b) a current completed Personal Qualifications Statement, SF-171. Rankings will be based solely on information contained in the applicant's SF-171 and the supervisory appraisal. Applications and Supervisory Appraisals must be received no later than close of business on the closing date. They should be sent to the Merit Systems Protection Board, San Francisco Regional Office, 525 Market St., Rm 2400, Attn: Vacancy No. 82-10 San Francisco, CA 94105. The necessary forms are available at the above address. For further information about the vacancy, telephone Joanne Hurst on (415) 454-9703. Applications submitted become the property of the Merit Systems Protection Board and will not be returned.

QUALIFIED APPLICANTS WILL RECEIVE CONSIDERATION WITHOUT REGARD TO SUCH NONMERIT FACTORS AS RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, POLITICAL AFFILIATION, MARITAL STATUS, NON-DISQUALIFYING HANDICAPS, MEMBERSHIP OR NON-MEMBERSHIP IN AN EMPLOYEE ORGANIZATION OR PERSONAL FAVORITISM.

PRIVACY ACT INFORMATION: The application you submit for this position contains information subject to the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552 a). Information regarding this act is available upon request in the Personnel Management Branch, Merit Systems Protection Board.

PERSONAL INFORMATION SUPPLEMENT

This voluntary supplement is to allow applicants to highlight those knowledges, skills and abilities which will be used to evaluate candidates for the position(s). For each of the factors, please indicate the SF-171 section(s) where you feel the factor is best demonstrated. If there are additional projects, details, work assignments or outside activities which demonstrate your ability to perform the factor, use the space provided and/or additional paper as needed for other factors. You will receive consideration even if you choose not to complete this form.

Factors that applicants will be evaluated on:

Factor I Knowledge of the established process for dispute resolution. Demonstrated on SF-171 in Sections _____.

Factor II Familiarity with Federal civil service and EEO laws, rules, regulations, and court decisions. Demonstrated on SF-171 in Sections _____.

Factor III Ability to analyze facts and develop sound conclusions and make reasoned rulings on motions, offers of proof, etc. Demonstrated on SF-171 in Sections _____.

Factor IV Ability to develop case records and produce case decisions in a timely manner. Demonstrated on SF-171 in Sections _____.

Factor V Ability to establish and maintain effective working relationships. Demonstrated on SF-171 in Sections _____.

Factor VI Ability to communicate effectively orally and in writing. Demonstrated on SF-171 in Sections _____.

Factor VII Ability to maintain a judicial temperament and impartiality. Demonstrated on SF-171 in Sections _____.

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**Merit
Systems
Protection
Board**

**ORDER
TRANSMITTAL**

No: 1412.1

Date: February 2, 1981

PERSONNEL MANAGEMENT - EXCEPTED SERVICE

Material Transmitted:

This Order establishes policy and procedures for the employment and advancement of attorneys. It also contains policy and procedures for the recruitment and employment of law clerks and legal student trainees.

Material Superseded:

None.

Filing Instructions:

File the attached material in numerical order with MSPB issuances.



J. W. Morava
Director
Office of Administration

Distribution: ALL MSPB OFFICES AND ALL SUPERVISORS

**Merit
Systems
Protection
Board**

ORDER

No: 1412.1

Date: February 2, 1981

PERSONNEL MANAGEMENT - EXCEPTED SERVICE

EMPLOYMENT AND ADVANCEMENT OF EXCEPTED SERVICE ATTORNEYS

1. PURPOSE. This Order establishes Merit Systems Protection Board (MSPB) policy and procedures for the recruitment, initial employment and advancement of excepted service attorneys (GS-905 series). It also contains MSPB policy and procedures for the recruitment and employment of law clerks (GS-904 series) and legal student trainees (GS-099 series).

2. REFERENCES.

a. The Civil Service Reform Act of 1978 (P.L. 95-454), which created the MSPB, encouraged increased legal expertise to administer the Act and authorized the appointment of such personnel as may be necessary to perform the functions of the Board.

b. Title 5, Code of Federal Regulations (CFR), section 302.102 provides that "... each appointment, position change, and removal in the excepted service shall be made in accordance with any regulations or practices that the head of the agency concerned finds necessary."

c. Federal Personnel Manual (FPM) Chapter 930, Subchapter 3 contains hiring patterns and guidelines for entrance level attorney and law clerk positions.

3. POLICY. The recruitment and development of an exemplary and representative legal staff is essential to the effective operation of the Board. Therefore, it is the policy of the Board to:

a. require that an attorney proposed for appointment possess bar membership and the necessary minimum qualifications as described in Appendix A, plus any job related specialized qualifications required for adequate performance in the particular attorney position;

b. provide an equal employment opportunity to all qualified applicants who apply to the Board for excepted service attorney, law clerk, and legal student trainee positions;

c. consider as a positive factor in employment decisions the fact that an applicant is a preference eligible (veteran);

ORDER

No: 1412.1

d. take all excepted service personnel actions without regard to race, color, religion, sex, age, handicap, national origin, or other non-merit factor;

e. authorize high performing attorneys to receive "career ladder" promotions without further competition when applicable criteria are met (see paragraph 4); and

f. pending the issuance of an attorney rotational development program, encourage MSPB attorneys desiring assignment to another MSPB location or type of legal work to apply for such consideration under appropriate MSPB vacancy announcements or to make their desires for reassignment known to their supervisor.

4. "CAREER LADDER" PROMOTIONS. An MSPB attorney may receive a "career ladder" promotion to the next higher nonsupervisory grade in the same location and MSPB organization without competition when the following requirements are met:

a. Normal Situations. (All of the following requirements must be met.)

(1) nonsupervisory higher grade duties are available in the same location and organization where the attorney works;

(2) the attorney meets the applicable requirements for the next higher grade prescribed in Appendix A;

(3) the attorney has received an MSPB summary rating of "Fully Successful" or better in a performance appraisal which was completed since acquiring the current grade and has demonstrated the ability to adequately perform at the next higher grade level; and

(4) the immediate supervisor submits a Request for Personnel Action (Standard Form 52) through the approving manager to the Director, Personnel Management Division.

b. Exceptional Situations. The Managing Director may approve an accelerated "career ladder" promotion to avoid undue hardship or inequity for an attorney who meets all of the requirements in 4a, except for the applicable grade level qualification requirements prescribed in Appendix A. To qualify for this exception, the attorney must:

(1) be within six months of fully meeting the applicable grade level qualification requirements prescribed in Appendix A;

(2) have received an MSPB summary rating of "Meritorious" in a performance appraisal completed since acquiring the current grade; and

ORDER

No: -1412.1

(3) be recommended for an accelerated "career ladder" promotion by the immediate supervisor with concurrence by the office head.

5. RECRUITMENT ACTIONS. The following procedures apply when an attorney position is vacant and recruitment action is necessary to obtain qualified candidates.

a. First Level Supervisor. To initiate recruitment action, the first level supervisor:

* §- (1) prepares an SF 52 for the position;

(2) if the position has not been classified, attaches to the SF 52 a list of the minimum duties and responsibilities commensurate with the proposed grade;

(3) for recruitment purposes, attaches to the SF 52 a separate list of any selective factors (such as trial experience or investigative experience) that are necessary and job related and that all candidates must have to adequately perform in the position;

(4) obtains approval (in Item I of the SF 52) to fill the position from the official having this delegated authority; and

(5) submits the approved SF 52 and the attachments to the Personnel Management Division.

b. Personnel Management Division. Upon receiving approval to fill the position, the Personnel Management Division takes the following actions:

(1) Classifying the Position. A job description will be prepared if the position has not been classified.

(2) Developing Selective Factors. Using the list provided by the first line supervisor, selective factors (specialized qualifications) will be prepared and coordinated with the selecting supervisor. (The Personnel Management Division is responsible for assuring that all selection devices such as rating forms and assessment forms are job related and based on an analysis of the position to be filled.)

* | (3) Preparation of Vacancy Announcement. When a current vacancy announcement (or a list of eligibles from a previous announcement) cannot be used, a vacancy announcement will be prepared containing the following (minimum) items:

ORDER

No: 1412.1

(a) Opening and Closing Dates. Specify three weeks unless otherwise specified by the Director of Personnel.

(b) Area of Consideration. Specify nationwide or limited to one or more geographic locations depending on the grade level, position location(s), and number of positions anticipated to be filled under the announcement.

(c) Grade and Minimum Qualification Requirements. Specify the grade (or grades), requirement for bar membership, and applicable qualification requirements contained in Appendix A of this Order.

(d) Major Duties and Responsibilities. Provide a clear statement including any selective factors (specialized qualifications).

(e) Assessment Form. Provide an assessment form for the applicant's supervisor to complete.

(f) Supplementary Information. Request applicants to provide supplementary information on the selective/quality ranking factor beyond minimum qualifications, e.g., writing sample and law school advisor's opinion of how the candidate could perform the major duties of the position.

(g) Where to Apply. Specify where and to whom the Standard Form 171 and other required data is to be sent, that the SF 171 must be received by the closing date, and that a resume will not be accepted in lieu of SF 171.

(h) Further Information. Provide name and telephone number.

(4) Distribution of Vacancy Announcements. Announcements will be distributed to appropriate MSPB organizations and to the various external organizations that will assure adequate public communications of job opportunities to all applicant populations.

6. ACTING ON APPLICATIONS.

a. The Personnel Management Division. The Personnel Management Division is responsible for:

(1) determining if applicants meet or do not meet the minimum qualification requirements;

(2) notifying those applicants who do not meet the minimum qualification requirements, or whose applications were received after the closing date, that no further consideration can be given under the announcement for those reasons;

ORDER

No: 1412.1

(3) preparing a certificate alphabetically listing those applicants who meet the minimum qualification requirements;

(4) giving the certificate, related applications, and other pertinent data to the selecting supervisor;

(5) notifying those not selected from the certificate of this fact upon return of the completed certificate (see paragraph 6(b)(5) below); and

(6) making all hiring commitments to selected applicants through personal and/or written communications (see paragraph 6(b)(5) below).

b. The Recruiting Supervisor. The recruiting supervisor is responsible for:

(1) dividing the applications received from the Personnel Management Division into two groups—those that meet only the basic qualifications required for the position are placed in one group and all of the other applications are placed in the "well-qualified" group;

(2) establishing a rating schedule based on the quality ranking factors for the position;

(3) ranking the "well-qualified" candidates through the use of the rating schedule;

(4) conducting interviews (by telephone or in-person) with the highest ranked candidates; and

(5) selecting any "well-qualified" candidate(s) and sending the following documents to the Personnel Management Division for use in making hiring commitments and for record purposes:

(a) the completed certificate indicating the names of the interviewed and selected candidate(s);

(b) the applications and supporting data used in evaluating eligible candidates; and

(c) the rating schedule used in ranking the candidates.

7. LAW CLERKS AND LEGAL STUDENT TRAINEES.

a. Law Clerks. Employment of law clerks (GS-904 series) may be made at either the GS-9 or GS-11 level; such appointments may not exceed 14 months. The

ORDER

No: 1412.1.

qualification requirements in Appendix A apply in filling law clerk positions and for determining the applicable GS grade level, except that bar membership is not required for law clerk positions.

b. Legal Student Trainees. Employment of legal student trainees (GS-099 series) is restricted to law students who have completed at least one full year of law school. Selected applicants who have not completed the second year of law school will be employed at the GS-7 level; after completion of the second year of law school, employment will be at the GS-8 level. Employment of legal student trainees will normally be confined to the summer law school vacation period. However, a small number of trainees may be employed for initial periods not-to-exceed one year if needed for longer periods by the various Board offices; such trainees may be reappointed after one year provided law school enrollment continues and performance and conduct warrants reappointment.

c. Application Process. Applications for law clerk and legal student trainee positions may be submitted at any time to the Personnel Management Division and will be retained for a six-month period. Publication of an announcement for these positions will be considered only if the number of applications received without an announcement is insufficient to provide for quality recruitment or an announcement is necessary to develop a more representative applicant recruitment pool. Supervisory interviews (by telephone or in-person) will be limited to the most promising applicants when the Board's resources are insufficient to interview all applicants.

MSPB ORDER 1412:1
APPENDIX A

MINIMUM QUALIFICATION REQUIREMENTS
FOR MSPB ATTORNEY POSITIONS

All attorney positions require bar membership plus education and experience as defined below for the several grades:

1. GS-9. The first professional law degree (LL.B or J.D.).
2. GS-11. The second professional law degree (LL.M.); or the first professional law degree (LL.B. or J.D.) plus one year of professional legal experience; or the first professional law degree (LL.B. or J.D.) plus one of the criteria for superior law student work defined below is qualifying for GS-11 attorney:
 - a. academic standing in the upper 1/3 of the law school graduating class; or
 - b. work or achievement of significance on the law school's official law review; or
 - c. special high-level honors for academic excellence in law school (e.g., election to Order of the Coif); or
 - d. winning of a moot court team which represents the law school in competition with other law schools; or
 - e. full-time or continuous participation in a legal aid program (as opposed to intermittent or casual participation); or
 - f. significant summer law clerk experience; or
 - g. other equivalent evidence of clearly superior achievement.
3. GS-12. The qualification requirements for GS-12 attorney are the same as for GS-11 and one of the following:
 - a. one year of professional legal experience at a level of difficulty comparable to GS-11; or
 - b. two years of professional legal experience, one of which must be at a level of difficulty comparable to GS-11; or
 - c. second professional law degree (LL.M.) plus one year of professional legal experience at a level of difficulty comparable to GS-11.

4. GS-13. The qualification requirements for GS-13 attorney are the first professional law degree (LL.B. or J.D.) and one of the following:

a. superior law student work or activities (see GS-11) plus two years of professional legal experience, at least one year of which must be at a level of difficulty comparable to GS-12; or

b. first professional law degree (LL.B. or J.D.) plus three years of professional legal experience, at least one of which must be at a level of difficulty comparable to GS-12; or

c. second professional law degree (LL.M.) plus two years of professional experience, at least one year of which must be at a level of difficulty comparable to GS-12.

5. GS-14. The qualification requirements for GS-14 attorney are the first professional law degree (LL.B. or J.D.) and one of the following:

a. superior law student work or activities (see GS-11) plus three years of professional experience, at least one year of which must be at a level of difficulty comparable to GS-13; or

b. first professional law degree (LL.B. or J.D.) plus four years of professional legal experience, at least one year of which must be at a level of difficulty comparable to GS-13; or

c. second professional law degree (LL.M.) plus three years of professional legal experience, at least one year of which must be at a level of difficulty comparable to GS-13.

6. GS-15. The qualification requirements for GS-15 attorney are the first professional law degree (LL.B. or J.D.) and one of the following:

a. superior law student work or activities (see GS-11) plus four years of professional experience, at least one year of which must be at a level of difficulty comparable to GS-14; or

b. first professional law degree (LL.B. or J.D.) plus five years of professional legal experience, at least one year of which must be at a level of difficulty comparable to GS-14; or

c. second professional law degree (LL.M.) plus four years of professional legal experience, at least one year of which must be at a level of difficulty comparable to GS-14.

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930-11

Subchapter 3. Hiring Pattern for Entrance-Level Attorney and Law Clerk Positions

3-1. BACKGROUND

a. **Purpose.** This subchapter contains guidelines for agencies to follow in hiring attorneys into entrance-level positions classified to the General Attorney Series, GS-905, and in hiring persons into positions classified to the Law Clerk Series, GS-904. The pattern covers attorney positions for which incumbents are required to be members of the bar and law clerk positions for which incumbents need not be members of the bar.

b. **Legal basis.** This hiring pattern is issued under chapter 51 of title 5, United States Code, and is binding for positions subject to that chapter. Section 5105 of title 5 requires OPM to develop classification standards based on duties and responsibilities of positions and the qualifications required to do the work.

c. **Appointments.** (1) Except for a few positions in the competitive service, attorney positions are required to be in the excepted service.

(2) Applicants who meet all requirements except bar membership are appointed in the Law Clerk Series, GS-904. Law clerk appointments are made under section 213.3102(e) of Schedule A (see appendix C, chapter 213), and the appointee must be admitted to the bar within 14 months or be separated.

(3) The hiring pattern described below applies to appointments in the Law Clerk Series, GS-904, as well as to appointments in the General Attorney Series, GS-905.

3-2. COVERAGE

a. **Grades included.** The grades covered in the pattern are GS-9 and GS-11. For each grade covered, this subchapter describes work typically performed and the qualification requirements. The descriptions of work are illustrative only. The variety of programs and organizations in agencies makes it impractical to list all the different types of assignments possible at each level.

b. **Use of guides.** (1) The duties to be assigned are the critical factor in setting the entrance level. In using these guides each agency will find it necessary to translate the generalizations into specifics for its work, consistent with the classification standards. Of course, the basis for classification grade level determinations will be the official position-classification standards for the General Attorney Series, GS-905, and not the illustrative descriptions in this subchapter.

(2) The requirements listed are not intended to preclude agencies from hiring attorneys at a lower level even though they meet qualification requirements for a higher level. The important determinant is the grade level warranted by the duties to be performed. The possession of a degree or high academic standing alone is not a sufficient basis for appointment at a higher entrance level.

(3) These guidelines are intended primarily to cover hiring of attorneys at entrance levels. The guidelines do not preclude the employment of *experienced* attorneys at grades above the entrance levels. Attorneys without experience may, in unusual circumstances, be employed at grade GS-12, provided the applicant has advanced educational attainments substantially beyond those indicated as required for work at the GS-11 level and his/her education clearly indicates ability to perform work of the type to be assigned, for example, education beyond the first professional degree which includes courses directly pertinent to the work of the agency. The essential point in these circumstances is to assure that the person's education has enabled him/her to step into complex legal work characteristic of the GS-12 level and to operate with the degree of independence and responsibility typical of that level.

3-3. PROVISIONS OF HIRING PATTERN

a. **Positions at grade GS-9.** (1) *Duties and responsibilities.* Assignments involve legal or factual questions which range from relatively simple to dif-

difficult. Some assignments at the GS-9 level may involve relatively easy research on clear-cut issues with adequate precedents. Other legal questions at the GS-9 level are difficult because of the complexity of the facts or the different possible constructions which may be placed on either the facts or laws involved. Cases are strongly contested in formal hearings or informal negotiations by the individuals, corporations, or agencies involved. In relation to cases of this scope, GS-9 entrance-level attorneys search case reports, legal documents, periodicals, and textbooks, and prepare tentative drafts of letters, memorandums, and legal documents for use by higher-grade attorneys. They assist attorneys in charge of court cases or administrative proceedings by interviewing and selecting witnesses, preparing them to give testimony, and suggesting questions to be asked in cross-examination. Attorneys who enter at the GS-9 level work under very close supervision. They receive specific preliminary instructions, their commitment authority is very limited, and their completed written work is carefully and closely reviewed.

(2) *Qualifications required:*

(a) *For attorney positions:* Membership in the bar.

(b) *For law clerk positions:* The first professional law degree (LL.B. or J.D.) or equivalent training. Equivalent training is that training permitted in some States in lieu of attendance at a law school. To be acceptable this training must be of the kind and nature required by the State in which the bar examination is taken, or is to be taken.

b. *Positions at grade GS-11. (1) Duties and responsibilities.* Assignments involve complex and difficult legal questions requiring extensive research, analysis, and evaluation of information in controversial areas. Cases have an important impact on major private or public interests, for example, a major extension or revision in a State grant program or a substantial question on civil rights. Cases are vigorously contested by capable legal talent as, for example, in an antitrust case. In relation to cases of this scope, GS-11 entrance-level attorneys prepare legal docu-

ments for filing by drafting complaints, orders to show cause, indictments, preliminary motions, and supporting affidavits and briefs. They prepare drafts of pleadings and motions for cases in litigation. They conduct investigations to obtain facts, study legal precedents, and prepare recommendations. They assist attorneys in charge of court cases by cross-examining witnesses, and by drafting findings of fact, conclusions of law, and orders based upon the records. As with attorneys described at the GS-9 level, GS-11 entrance-level attorneys work under close supervision. They receive preliminary instructions, their commitment authority is limited, and their completed written work is carefully reviewed.

(2) *Qualifications required for attorney positions and law clerk positions:*

- The GS-9 requirement *plus* one year of professional legal experience; or
- The GS-9 requirement *plus* the second professional law degree (LL.M.) which requires one full year of graduate study; or
- The first professional law degree (LL.B. or J.D.), *provided* the applicant's record shows superior law student work or activities as demonstrated by one of the following:
 - Academic standing in the upper third of the law school graduating class; or
 - Work or achievement of significance on his/her law school's official law review; or
 - Special high-level honors for academic excellence in law school, such as election to the Order of the Coif; or
 - Winning of a moot court competition or membership on the moot court team which represents the law school in competition with other law schools; or
 - Full-time or continuous participation in a legal aid program as opposed to one-time, intermittent, or casual participation; or
 - Significant summer law office clerk experience; or
 - Other equivalent evidence of clearly superior achievement.

WFO RECORD CHECK - ROUTING SLIP

FROM: SAC, WFO (161-14852), (A-1), (P)
TO: DIRECTOR, FBI
ROOM: 5161
SPIN UNIT

*ROC already
ROC 7/18/85*

July 18, 1985

HERBERT EUGENE ELLINGWOOD
SPIN
BUDED: 7/10/85 WITHOUT FAIL

REFERENCED BUREAU TELETYPE TO ALL FBI FIELD OFFICES,
DATED 6/29/85.

IN ACCORDANCE WITH REQUEST CONTAINED IN REFERENCED
TELETYPE THE FOLLOWING IS SUBMITTED:

*

INDICES SEARCHED 7/18/85, BY CLERK .
CFR SEARCHED 7/18/85, BY CLERK .
ELSUR SEARCHED 7/18/85, BY *Agent* ~~CLERK~~ .
ISIS SEARCHED 7/18/85, BY CLERK .

b6
b7C
Third Party

NO IDENTIFIABLE RECORD OBTAINED.

* WFO Indices revealed a file identifiable with the
appointee, file contained no derogatory information.

DESTROY: 10 YRS.

RETAIN: _____

161-14852-12

Searched _____

Serialized *eln*

Indexed _____

Filed *ln*

JUL 19 1985

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FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 7/25/85

ANTHONY T. PODESTA, National Director of PEOPLE FOR THE AMERICAN WAY (PFTAW), 1424 16th Street, N. W., Washington, D. C., was contacted by Special Agent (SA) [REDACTED] FEDERAL BUREAU OF INVESTIGATION (FBI), Washington Field Office, in regard to the appointee, HERBERT EUGENE ELLINGWOOD. PODESTA, after being advised of the identity of the interviewing Agent, provided the following information concerning the appointee:

PODESTA stated that the organization which he heads, PFTAW, objects to the appointee because of several facts. PODESTA stated that the most obvious fact is the appointee's connection to a so called "Christian Talent Bank." PODESTA stated that the very fact that religion would be part of the criteria for hiring of federal workers, both civil service and appointees, violates the United States Constitution. PODESTA stated that their opposition to the appointee lies with his support of such criteria and the possibility that the criteria could be used by the appointee should he be confirmed for the job to which he is being nominated. Additionally, PODESTA stated that the published reports have indicated that the appointee conceived of the "Christian Talent Bank." He further stated that he knows of no position which has been filled up to this time by the use of the Christian criteria as stated by the AMERICAN COALITION FOR TRADITIONAL VALUES (ACTV), and its alleged founder, the appointee. PODESTA stated that just the fact that the appointee associates himself with this strict fundamentalist Christian group concerns PODESTA's group.

b6
b7C
Third Party

PODESTA also raised other objections to the appointee, citing the taking of government trips, paid for by the government, to conduct church and personal business. PODESTA had no specific allegations regarding which specific trips were made at tax payer expense, but indicated that through other sources previously unnamed, the appointee allegedly had conducted personal business while on these government financed trips. PODESTA also cited allegations that the appointee was making numerous international telephone calls for the express personal benefit of himself. PODESTA

Investigation on 7/24/85 at Washington, D. C. File # Washington Field 161B-14852-B
by SA [REDACTED] KHS:mye Date dictated 7/25/85

This document contains recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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WFO 161B-14852

Continuation of FD-302 of

ANTHONY T. PODESTA

On 7/24/85

Page

2

stated that these telephone calls were for personal and private business, and therefore did not fall under the category of business. PODESTA stated that he does not have any first-hand knowledge of this, but has received that information from ELLEN BATTISTELLI, Congresswoman SCHROEDER's Aide. PODESTA stated that the nature of BATTISTELLI's comments to him were that she thought that the telephone misuse was covered by a GOVERNMENT ACCOUNTING OFFICE (GAO) report, and the investigation that preceded its issuance. PODESTA stated that as far as he knows the Merit Systems Protection Board does not handle any business outside of the United States. PODESTA then draws the conclusion that the international calls are not needed, therefore, they were made for personal business.

PODESTA also addressed the statement he had made in an earlier interview concerning the appointee being withdrawn from nomination by then Governor REAGAN of California, to a position in the California Court System. PODESTA stated that while Governor REAGAN was in office in California, Governor REAGAN made it a practice not to place the names of nominees for judicial positions before the SACRAMENTO COUNTY BAR ASSOCIATION for their review. PODESTA went on to say that ELLINGWOOD was an exception to this rule, in that prior to a formal nomination by then Governor REAGAN, ELLINGWOOD's name was given to the SACRAMENTO COUNTY BAR ASSOCIATION for comment. Indications by the SACRAMENTO COUNTY BAR ASSOCIATION led then Governor REAGAN to believe that the appointee's appointment to the APPEALS COURT in California, would be controversial, and therefore, the appointee's name was withdrawn prior to any formal announcement. PODESTA indicated that this information comes from newspaper articles, which appeared in the "Sacramento Bee" and the "Los Angeles Times." PODESTA stated that these appointments were to take effect prior to then Governor REAGAN leaving the Office of the Governor in 1975. PODESTA stated that the reason given in the newspaper articles for the SACRAMENTO COUNTY BAR ASSOCIATION rejecting the appointee's name, was that the appointee lacked the requisite trial experience, which they felt was important for a judge sitting on the APPEALS COURT.

PODESTA then provided this Agent with copies of newspaper articles from the "Los Angeles Times," dated November 22, 1974, with the headline of "REAGAN Aide Reported In Line For Judgeship," and three articles from the "Sacramento Bee," dated January 24, 1969; March 14, 1974; and December 6, 1974. PODESTA indicated that the December 6, 1974, article announced that the appointee's name was being withdrawn as a nominee for the THIRD DISTRICT COURT OF APPEALS.

INBOX.4 (#1577)

TEXT:
VZCZCHQ0117

PP SC SF WF

DE HQ #0117 2041800

ZNR UUUUU

P 231728Z JUL 85

FM DIRECTOR FBI

TO FBI SACRAMENTO (161B-785) PRIORITY

FBI SAN FRANCISCO (161B-3605) (INFO) ROUTINE

FBI WASHINGTON FIELD (161B-14852) (INFO) ROUTINE

BT

UNCLAS

ATTENTION: SSA [REDACTED]

HERBERT EUGENE ELLINGWOOD; SPECIAL INQUIRY; BUDED: PAST.

RE BUREAU TELETYPE TO SAN FRANCISCO WITH INFORMATIONAL

COPY TO SACRAMENTO, DATED JULY 22, 1985; AND BUTELCALL OF SSA

[REDACTED] SPECIAL INQUIRY UNIT, TO SSA [REDACTED]

[REDACTED] SACRAMENTO, ON JULY 23, 1985.

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REFERENCED TELETYPE ADVISED OF ALLEGATION AGAINST

APPOINTEE THAT, IN 1974, THE STATE BAR OF CALIFORNIA OPPOSED

THE NOMINATION OF APPOINTEE TO A POSITTON AS A CALIFORNIA STATE

APPELLATE JUDGE. THE SAN FRANCISCO OFFICE ATTEMPTED TO VERIFY

THIS INFORMATION THROUGH CONTACT WITH THE STATE BAR ON 7/22/85.

161-14852-13

INFORMANT

JUL 23 3 30 PM '85

[REDACTED]

JUL 29 1985

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PAGE TWO DE HQ 0117 UNCLAS

UNFORTUNATELY, THE STATE BAR ADVISED THAT ITS RECORDS ARE HIGHLY CONFIDENTIAL AND WOULD NOT CONFIRM OR DENY THE ALLEGATION. AN OFFICIAL OF THE STATE BAR ADVISED, HOWEVER, THAT RELEVANT INFORMATION COULD BE OBTAINED THROUGH THE GOVERNOR'S OFFICE IN SACRAMENTO.

SACRAMENTO IS REQUESTED TO CONTACT THE GOVERNOR'S OFFICE, AND/OR OTHER APPROPRIATE STATE GOVERNMENT OFFICES IN SACRAMENTO, TO OBTAIN THE FOLLOWING INFORMATION:

A) DESCRIPTION OF THE PROCESS USED IN CALIFORNIA FOR APPOINTING STATE JUDGES, PARTICULARLY THE ROLE OF THE STATE BAR IN SUCH PROCESS;

B) A DETERMINATION OF WHETHER THE APPOINTEE HAS EVER BEEN NOMINATED FOR A STATE JUDGESHIP AND, IF SO, OBTAIN THE FOLLOWING DATA:

(1) DATE OF NOMINATION;

(2) POSITION INVOLVED;

(3) OUTCOME OF NOMINATION (APPOINTEE DOES NOT LIST EMPLOYMENT AS A JUDGE ON HIS SF-86); AND

(4) IF KNOWN, ROLE OF STATE BAR IN CONSIDERATION OF NOMINATION.

PAGE THREE DE HQ 0117 UNCLAS

C) NAMES AND LOCATING DATA OF PERSONS WHO MAY BE KNOWLEDGEABLE ABOUT APPOINTEE'S NOMINATION TO THE JUDGESHIP AND ITS CONSIDERATION, PARTICULARLY PERSONS AFFILIATED WITH THE STATE BAR.

SACRAMENTO SHOULD CONDUCT FOLLOW-UP INVESTIGATION AND SET APPROPRIATE LEADS IF WARRANTED BY RESPONSE OF THE GOVERNOR'S OFFICE.

SACRAMENTO MUST ALSO CHECK NEWSPAPER MORGUES TO OBTAIN INFORMATION CONCERNING POSSIBLE NOMINATION OF APPOINTEE TO STATE JUDGESHIP.

THIS INVESTIGATION MUST BE CONDUCTED IMMEDIATELY IN LIGHT OF THE PAST DEADLINE AND THE IMPORTANCE OF THE POSITION INVOLVED. RESPONSES TO THIS TELETYPE SHOULD BE PROVIDED TO WASHINGTON FIELD AND SAN FRANCISCO, AS WELL AS TO FBIHQ.

SPIN

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#0117

NNNN

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON FIELD OFFICE
WASHINGTON, D.C.
July 1, 1985

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

FOR APPLICANT BACKGROUND INVESTIGATIONS ONLY

FILE #161-14852

ASSIGNED

SQUAD A-1

BUDED 07/10/85

TITLE ELLINGWOOD, HERBERT EUGEN

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Third Party

APPLICANT'S NAME
ELLINGWOOD, HERBERT EUGEN

DOB DOB
03/05/31 ORDWAY, COL.

PRESENT ADDRESS:

LOCAL ADDRESS:

SSAN: 726-09-4567 PDID#

OSI#

INS#

RELATIVES

FILE COPY

REQUESTING AUTHORITY

CC
1- MPD
1- DMV
1- PK
- CREDIT BUREAU (49IVF33184-68)
- INS
1- USSS
- BVS (BVS #)
- OSI

NORMAN A. ZIGROSSI
SPECIAL AGENT IN CHARGE

LEAD SHEET FOR CASE NUMBER 181 -14852

CASE AGENT

BUDED 07/10/85

LEAD #	LEAD SA	LEAD DESCRIPTION
182-212	<input type="text"/>	DMV
182-213	<input type="text"/>	MPD
182-214	<input type="text"/>	PKPD
182-215	<input type="text"/>	SS
182-216	<input type="text"/>	SPI-PA
182-217	<input type="text"/>	OPI/DOJ
182-218	<input type="text"/>	INTERVIEW PRESIDENTS OF LOCAL BARS
182-219	<input type="text"/>	INTERVIEW ATTY'S WHO HAVE OPOUSED APPLICANT
182-220	<input type="text"/>	INTERVIEW ATTY'S MINORITY AND ETHNIC REPRESENTATIVES
182-221	<input type="text"/>	INTERVIEW LAW ENFORCEMENT OFFICIALS AND JUDGES
182-222	<input type="text"/>	CHECK BARS
182-223	<input type="text"/>	MERIT SYSTEMS PROTECTION BOARD
182-224	<input type="text"/>	KEITH
182-225	<input type="text"/>	SPEIRS
182-226	<input type="text"/>	REDENIUS
182-227	<input type="text"/>	TURNAGE

FILE COPYb6
b7C
Third Party

COUNT 16

LEAD SHEET FOR CASE NUMBER 161 -14852

CASE AGENT

BUDED 07/10/85

LEAD #
182-228

LEAD SA

LEAD DESCRIPTION
SALCEDO

182-229

CHECK OFFICE OF SPECIAL COUNCIL AND
OFFICE OF REVIEW AND APPEALS AT MSPB

182-230

OPR/DOJ

182-231

REVIEW FILES AT GAO

182-232

INTERVIEW SCHROEDER
RE: INQUIRY

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Third Party

182-233

CONTACT EMPLOYMENT STANDARDS ADMIN.

182-234

CONTACT FAIR LABOR STANDARDS DIVISION

182-235

CONTACT WAGE APPEALS BOARD

182-236

CONTACT FEDERAL LABOR RELATIONS
AUTHORITY

182-237

CONTACT AMERICAN FEDERATION OF GOV'T
EMPLOYEES

182-238

CONTACT NATIONAL ASSOC. OF GOV'T
EMPLOYEES

182-239

CONTACT NATIONAL FEDERAL EMPLOYEES

182-240

CONTACT PEOPLE FOR THE AMERICAN WAY

182-241

CONTACT FEDERAL GOV'T. SERVICE TASK
FORCE

COUNT

30

FILE COPY

LEAD SHEET FOR CASE NUMBER 161 -14852

CASE AGENT SHUEY

BUDED 09/02/85

LEAD #	LEAD SA	LEAD DESCRIPTION
228-048		
228-049		
228-050		
228-051		
228-052		
228-053		

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FILE COPY

COUNT 8

ALL INFORMATION CONTAINED

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DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

FEDERAL BUREAU OF INVESTIGATION

1

7/25/85

Date of transcription

ELLEN BATTISTELLI, Professional Staff Member of the Committee on the Post Office and Civil Service, Subcommittee on Civil Service, 122 Cannon House Office Building, Washington, D. C., telephone 225-4025, was interviewed at her place of employment in regards to the appointee, HERBERT EUGENE ELLINGWOOD. BATTISTELLI was advised of the identity of the interviewing Agent and provided the following information concerning the information she received on the appointee:

BATTISTELLI stated that the committee which she works for, Committee on Post Office and Civil Service, and the Subcommittee on Civil Service are the oversight committees responsible for the Merit Systems Protection Board. BATTISTELLI stated it was in this regard that she conducted investigation into the GRETCHEN THOMAS matter, which concerned the appointing of an unqualified person to a Merit Systems Protection Board position. BATTISTELLI stated that she was also aware that the GOVERNMENT ACCOUNTING OFFICE (GAO) had conducted an investigation into the travel and honorarium situation concerning the appointee. BATTISTELLI stated that that investigation was prompted by a letter which made certain allegations concerning the improper travel of the appointee. BATTISTELLI stated that included in that initial complaint were allegations that the appointee had made thousands of dollars worth of overseas FTS calls from his telephone to conduct personal business. Additionally, the complaint alleged that since the Merit Systems Protection Board has no dealings overseas, that there would be no need to make telephone calls to any foreign countries, and therefore it could be concluded that the calls were made for personal business and not business at the Merit Systems Protection Board. BATTISTELLI stated that the complaint, when it arrived at her office, was not signed and she, to this date, has no knowledge who the complainant may have been. BATTISTELLI provided this Agent with a copy of the paragraph which deals specifically with the misuse of FTS telephone lines at the Merit Systems Protection Board. It should be noted at this time that the copy received by this Agent was not a copy of the original allegations, but a copy that was retyped on UNITED STATES HOUSE OF REPRESENTATIVES letterhead and included only that paragraph in which the allegations concerning the telephone calls appear.

Investigation on 7/24/85 at Washington, D. C. File # Washington Field 161B-14852-14

by SA [redacted] KHS:mye Date dictated 7/25/85

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WFO 161B-14852

ELLEN BATTISTELLI

on 7/24/85

, Page 2

Continuation of interview of

BATTISTELLI stated that the reason she was not supplying this Agent with a copy of the original complaint, was that there were notations on the original which may lead the FEDERAL BUREAU OF INVESTIGATION (FBI) to identify that person who made the complaint anonymously and whom by submitting an anonymous complaint have placed their trust and confidence with BATTISTELLI. BATTISTELLI advised that she would continue to keep a copy of the original allegation. BATTISTELLI stated that she did not conduct an investigation into the allegations of the misuse of the telephones at Merit Systems Protection Board, due to the fact that she considered it relatively small in light of other allegations which were made concerning the appointee. BATTISTELLI stated that she did, in fact, advise others that she thought that the telephone matter had been addressed in a GAO report, which investigated the Chairman for alleged improper traveling for personal business at government expense, the misuse of a government vehicle, and the receiving of honorariums for speaking engagements done on government paid trips. BATTISTELLI stated that she was not aware of the contents of the GAO report, due to the fact that she had not reviewed that report for over one year. BATTISTELLI could not provide the identity of the person who made the allegations concerning the alleged misuse of the FTS Telephone System in the Merit Systems Protection Board by the appointee.

Attached is a typewritten paragraph on UNITED STATES HOUSE OF REPRESENTATIVES, Committee on Post Office and Civil Service, Subcommittee on Civil Service, letterhead. The typed paragraph appearing on this document was typed there by ELLEN BATTISTELLI. The paragraph was taken from the original letter which sets forth allegations against the appointee. This paragraph appears on that original document as one of several paragraphs. The original letter setting forth the allegations, is being maintained by BATTISTELLI.

TEXT:

VZCH202Z7

PP SC SF WF

DE HQ #0277 2052308

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

ZNR UUUUU

P 242136Z JUL 85

FM DIRECTOR FBI

TO FBI SACRAMENTO (161B-785) PRIORITY

ATTN: SSA [REDACTED]

FBI SAN FRANCISCO (161B-3605) PRIORITY

ATTN: SSA [REDACTED]

FBI WASHINGTON FIELD OFFICE (161B-14852) (INFO) ROUTINE

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HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED:

PAST.

REFERENCE BUTEL TO SAN FRANCISCO, DATED 7/22/85; SAN
FRANCISCO TELETYPE TO FBIHQ, DATED 7/22/85; BUTEL TO
SACRAMENTO, DATED 7/23/85; AND BUTELCALs ON 7/24/85 OF SSA

[REDACTED] SPIN UNIT, TO SSA [REDACTED] SAN
FRANCISCO, AND SSA [REDACTED] SACRAMENTO.

REFERENCED TELETYPES CONCERN AN ALLEGATION THAT IN
1974, MR. ELLINGWOOD WAS OPPOSED BY THE STATE BAR OF

161-14852-14

SEARCHED INDEXED

SERIALIZED FILED *elu*

JUL 24 11 00 PM '85

FBI-WASH. D. C.

[REDACTED] *lb*

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JUL 29 1985

PAGE TWO DE HQ 0277 UNCL

CALIFORNIA IN HIS NOMINATION FOR A STATE APPELLATE JUDGESHIP. THE REFERENCED SAN FRANCISCO TELETYPE ADVISED THAT AN ATTEMPT TO CONFIRM THIS ALLEGATION THROUGH CONTACT WITH THE BAR WAS UNSUCCESSFUL IN THAT THE GENERAL COUNSEL OF THE BAR, HERBERT ROSENTHAL, ADVISED THAT THE BAR'S RECORDS ARE HIGHLY CONFIDENTIAL AND THAT WITHOUT SPECIFIC DETAILS CONCERNING THE NOMINATION, AND WITHOUT A MEETING OF THE BAR'S BOARD OF DIRECTORS, NO INFORMATION WILL BE PROVIDED BY THE BAR.

RECENT INVESTIGATION BY WASHINGTON FIELD OFFICE HAS PRODUCED THREE RELEVANT 1974 NEWSPAPER ARTICLES FROM THE SACRAMENTO BEE AND LOS ANGELES TIMES. THE ARTICLES INDICATE THAT THEN-GOVERNOR RONALD REAGAN NOMINATED MR. ELLINGWOOD IN 1974 FOR A JUDGESHIP ON THE THIRD DISTRICT COURT OF APPEALS OF THE STATE OF CALIFORNIA.

THE ARTICLES ALSO INDICATED THAT, IN NOVEMBER 1974, GOVERNOR REAGAN "SENT ELLINGWOOD'S NAME TO THE BOARD OF GOVERNORS OF THE STATE BAR FOR AN EVALUATION" FOR THE POSITION MENTIONED ABOVE. APPARENTLY, THIS WAS UNUSUAL IN THAT REAGAN NORMALLY ASKED FOR OPINIONS FROM THE BAR

PAGE THREE DE HQ 0277 UNCLAS

REGARDING PROSPECTIVE TRIAL COURT JUDGES, BUT TYPICALLY DID NOT DO SO FOR APPELLATE COURT NOMINEES. ACCORDING TO THE ARTICLES, THIS STEP WAS TAKEN SINCE CONTROVERSY HAD ARISEN OVER THE NOMINATION BECAUSE MR. ELLINGWOOD HAD NOT PREVIOUSLY SERVED AS A TRIAL COURT JUDGE AND PRESUMABLY LACKED SUFFICIENT EXPERIENCE FOR THE POSITION ON THE APPELLATE COURT. ONE OF THE ARTICLES STATED THAT THE SACRAMENTO COUNTY BAR ASSOCIATION OPPOSED THE NOMINATION FOR THIS REASON. THERE IS NO INDICATION IN THE ARTICLES, HOWEVER, AS TO WHAT THE OPINION OF THE STATE BAR EVENTUALLY WAS.

ACCORDING TO THE ARTICLES, GOVERNOR REAGAN WITHDREW MR. ELLINGWOOD'S NOMINATION IN DECEMBER, 1974, IN THE FACE OF THIS CRITICISM. AT THAT TIME, REAGAN WAS ABOUT TO LEAVE OFFICE AND GERRY BROWN WAS ABOUT TO TAKE OVER. THE PAPER STATED THAT ELLINGWOOD'S NOMINATION WAS WITHDRAWN SO THAT A LESS CONTROVERSIAL CANDIDATE COULD BE NAMED, AND CONFIRMED, PRIOR TO THE END OF REAGAN'S TERM.

IN ADDITION TO LEADS SET PREVIOUSLY, SACRAMENTO IS DIRECTED TO CONTACT THE SACRAMENTO COUNTY BAR ASSOCIATION

PAGE FOUR DE HQ 0277 UNCLAS

TO CONFIRM THE REPORT THAT IT OPPOSED MR. ELLINGWOOD'S NOMINATION FOR THE ABOVE-STATED REASON. A REVIEW OF RECORDS AND INTERVIEW(S) OF APPROPRIATE COUNTY BAR OFFICIAL(S) SHOULD BE DONE. SACRAMENTO MUST ENSURE THAT THE COUNTY BAR DID NOT HAVE OTHERS REASONS FOR OPPOSING THE NOMINATION WHICH MIGHT BE RELATED TO THE APPOINTEE'S CHARACTER AND REPUTATION.

SAN FRANCISCO IS DIRECTED TO RECONTACT HERBERT ROSENTHAL, OR CONTACT OTHER APPROPRIATE BAR OFFICIAL(S), TO OBTAIN THE INFORMATION REQUESTED PREVIOUSLY.

ALTERNATIVELY, IT WILL BE SUFFICIENT IF MR. ROSENTHAL SIMPLY CONFIRMS THE INFORMATION STATED ABOVE AND ADVISES THAT THE STATE BAR DID NOT OPPOSE MR. ELLINGWOOD'S NOMINATION BECAUSE OF DOUBTS AS TO HIS CHARACTER. IN REAPPROACHING MR. ROSENTHAL, SAN FRANCISCO, SHOULD STRESS THE FOLLOWING:

(1) THE IMPORTANCE OF THE POSITION INVOLVED AND THE ATTENDANT NEED FOR A THOROUGH BACKGROUND INVESTIGATION;

(2) THE FACT THAT MR. ELLIGNWOOD HAS PROVIDED A FULL

PAGE FIVE DE HQ 0277 UNCLAS

RELEASE AND HIS PRIVACY INTERESTS ARE THEREFORE NOT
AT ISSUE;

(3) THE NEED FOR THE INFORMATION QUICKLY BEFORE THE
CONFIRMATION PROCEEDINGS BEGIN;

(4) THE FACT THAT IN 1974 NEWSPAPERS MADE PUBLIC THE
CRITICISMS OF MR. ELLINGWOOD; AND

(5) THE FACT THAT IF THE ISSUE IS NOT FULLY
EXPLORED BY THE FBI BACKGROUND INVESTIGATION, THE
SENATE COMMITTEE MAY APPROACH THE STATE BAR
DIRECTLY FOR THE INFORMATION AND THE CONFIRMATION
PROCEEDINGS COULD THEREBY BE SLOWED UNNECESSARILY.

AGAIN, THE REQUESTED INVESTIGATION MUST BE PERFORMED AS
SOON AS POSSIBLE IN LIGHT OF THE PAST DEADLINE AND THE
IMPORTANCE OF THE POSITION INVOLVED.

SPIN

BT

#0277

OUTBOX.2 (#1826)

TO: HQ2 @ SAMNET-EMH

FROM: WFO @ SAMNET-EMH

SUBJECT: 033 PRIORITY

DATE: 26 JUL 85 05:12:39 EDT

CC:

TEXT: VZCZCWFO 033

PP HQ SC SF

DE WF 033 2070512

ZNR UUUUU

P 260400Z JUL 85FM SAC, WASHINGTON FIELD (161B-14852) (P) (A-1)

TO DIRECTOR, FBI PRIORITY

FBI, SACRAMENTO PRIORITY

ATTN: SSA [REDACTED] (INFO)

FBI, SAN FRANCISCO (161B-3605) PRIORITY

ATTN: SSA [REDACTED] (INFO)

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Third Party

BT

UNCLAS SECTION ONE OF TWO

HERBERT EUGENE ELLINGWOOD; SPECIAL INQUIRY; BUDED: PAST.

RE BUTEL TO SACRAMENTO, DATED 7/23/85; BUTEL TO
SAN FRANCISCO, DATED 7/22/85, BU AIRTEL TO WFO DATED 7/22/85,
AND BUTELCALL ON 7/24/85, OF SSA [REDACTED] SPIN UNIT,
TO SF AND SC.

AS A RESULT OF RECENT INVESTIGATION BY WASHINGTON
FIELD OFFICE, INFORMATION HAS BEEN RECEIVED ANONOMOUSLY
SETTING FORTH ALLEGATIONS THAT THE APPOINTEE HAS BEEN
USING THE MERIT SYSTEMS PROTECTION BOARD TELEPHONES TO MAKE

161-14852-17

Searched _____

Serialized llr

Indexed _____

Filed llr

PAGE TWO DE WF #0033 UNCLAS

PERSONAL TELEPHONE CALLS, BOTH INTERNATIONAL AND NATIONALLY. THE ALLEGATIONS SET FORTH INFORMATION WHICH INDICATES THAT THESE CALLS ARE BEING MADE ON FTS LINES FROM THE APPOINTEES TELEPHONE AT THE MERIT SYSTEMS PROTECTION BOARD. ADDITIONALLY, THE ALLEGATION QUESTIONS THE NEED FOR ANY OVERSEAS CALLS FROM SOMEONE IN THE MERIT SYSTEMS PROTECTION BOARD. A REVIEW OF INVESTIGATIONS DONE TO DATE ON THE APPOINTEE WHILE AT THE MERIT SYSTEMS PROTECTION BOARD HAVE INDICATED THAT THE ABOVE STATED ALLEGATIONS HAVE NOT BEEN LOOKED INTO BY ANY INVESTIGATIVE AGENCY. THE RESULTS OF THE WFO INVESTIGATION LEADING UP TO THE RECEIPT OF THIS ANONYMOUS LETTER IS AS FOLLOWS:

ON 7/23/85, BRUCE MAYOR, ACTING DEPUTY GENERAL COUNSEL FOR THE MERIT SYSTEMS PROTECTION BOARD, WAS INTERVIEWED IN REFERENCE TO HIS KNOWLEDGE CONCERNING THE ABOVE ALLEGATIONS. MAYOR STATED THAT TO THE BEST OF HIS KNOWLEDGE NO ONE IN HIS OFFICE HAD INVESTIGATED THOSE SPECIFIC COMPLAINTS CONCERNING THE APPOINTEE AND HE IS NOT AWARE THAT ANY OF THE OTHER INVESTIGATIVE UNITS WITHIN THE MERIT SYSTEMS PROTECTION

PAGE THREE DE WF #0033 UNCLAS

BOARD HAVE INVESTIGATED THAT SPECIFIC COMPLAINT. MAYOR STATED THAT THE OFFICE OF GENERAL COUNSEL HAS PARTICIPATED IN AT LEAST ONE OTHER INVESTIGATION CONCERNING THE CHAIRMAN (APPOINTEE) DURING WHICH THEY ASSISTED, GAO IN SECURING DOCUMENTS CONCERNING THE APPOINTEE'S TRAVE, THE RECEIPT OF HONORARIUMS WHILE ON GOVERNMENT TRIPS AND THE MISUSE OF GOVERNMENT VEHICLES.

ON 7/23/85, FRANK HAGAN, COMPTROLLER, OFFICE OF THE COMPTROLLER, UNITED STATES MERIT SYSTEMS PROTECTION BOARD (MSPB), WAS INTERVIEWED IN REGARDS TO ANY INVESTIGATIONS THAT WERE CONDUCTED BY HIS OFFICE ON THE APPOINTEE FOR MISUSE OF THE MERIT SYSTEMS PROTECTION BOARD TELEPHONE SYSTEM, EITHER FTS LINES OR COMMERCIAL LINES. HAGAN STATED THAT HE HAS NO KNOWLEDGE OF ANY INVESTIGATIONS THAT WERE EVER CONDUCTED AS A RESULT OF ALLEGATIONS MADE AGAINST THE APPOINTEE FOR MISUSE OF THE FTS AND COMMERCIAL TELEPHONE LINES AT THE MERIT SYSTEMS PROTECTION BOARD. HAGAN FURTHER ADVISED THAT HE HAS NEVER BEEN ASKED TO RETREIVE THE TELEPHONE BILLS FOR EITHER THE COMMERCIAL LINES OR THE FTS LINES TO THE APPOINTEE'S OFFICE. HAGAN STATED THAT HE DID COOPERATE WITH GAO ON AN INVESTIGATION

PAGE FOUR DE WF #0033 UNCLAS

INTO THE APPOINTEE, BUT THAT INVESTIGATION FOCUSED ON TRAVEL AND HONORARIUMS WHICH THE APPOINTEE MAY HAVE RECEIVED WHILE ON GOVERNMENT BUSINESS. HAGAN STATED THAT ON THE OCCASIONS WHICH HE WAS ASKED TO CHECK THE TELEPHONE RECORDS AT THE MERIT SYSTEMS PROTECTION BOARD, NONE OF THE REQUESTED DOCUMENTS WERE FOR ANY OF THE TELEPHONE LINES IN THE APPOINTEE'S OFFICE.

ON 7/23/85, K. WILLIAM O'CONNOR, SPECIAL COUNSEL, OFFICE OF THE SPECIAL COUNSEL OF THE MERIT SYSTEMS PROTECTION BOARD, WAS INTERVIEWED CONCERNING HIS KNOWLEDGE OF ANY INVESTIGATIONS INTO ALLEGATIONS THAT THE APPOINTEE WAS MISUSING THE TELEPHONES AT THE MERIT SYSTEMS PROTECTION BOARD BY MAKING INTERNATIONAL PHONE CALLS AND OTHER NATIONAL PHONE CALLS FOR THE PURPOSE OF CONDUCTING PERSONAL BUSINESS. O'CONNOR STATED THAT HIS OFFICE HAS NEVER RECEIVED ANY ALLEGATIONS CONCERNING THE MISUSE OF THE TELEPHONES FOR PERSONAL BUSINESS AS IT RELATES TO THE APPOINTEE. O'CONNOR ADVISED THAT SINCE THE APPOINTEE HAS BEEN THE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, THEY HAVE RECEIVED THREE COMPLAINTS CONCERNING THE APPOINTEE, ONE WHICH LED TO A FULL

PAGE FIVE DE WF #0033 UNCLAS

INVESTIGATION, THE OTHER TWO WHICH WERE DISMISSED AS "LACKING MERIT." THE ONE FULL INVESTIGATION WAS INTO THE ALLEGED ATTEMPTED USE OF INFLUENCE BY THE APPOINTEE TO FORESTALL AN ACTIVE INVESTIGATION BEING CONDUCTED IN SAN FRANCISCO. THE OTHER TWO COMPLAINTS WHICH DID NOT RESULT IN FULL INVESTIGATIONS WERE THE THOMAS INCIDENT AT THE SAN FRANCISCO OFFICE OF THE MERIT SYSTEMS PROTECTION BOARD AND THE CHRISTIAN TALENT BANK WHICH REPORTEDLY HAS BEEN ASSOCIATED WITH THE APPOINTEE. THE LAST TWO COMPLAINTS WERE SELF-INITIATED BY THE OFFICE OF SPECIAL COUNCIL AND DURING THE COURSE OF STAFF EVALUATION DISMISSED AS LACKING MERIT.

ON 7/24/85, MR. CURTIS MAYNARD, ADMINISTRATIVE ASSISTANT TO DR. TIM LA HAYE, AT THE AMERICAN COALITION FOR TRADITIONAL VALUES, WAS INTERVIEWED IN REGARDS TO THE EXTENT OF INVOLVEMENT THAT THE APPOINTEE HAS IN THE "CHRISTIAN TALENT BANK." MAYNARD STATED THAT THE AMERICAN COALITION FOR TRADITIONAL VALUES (ACTV) IS SEEKING TO ORGANIZE THOSE PERSONS WHO ADHERE TO CERTAIN RELIGIOUS PRINCIPLES INTO A POLITICAL FORCE ON THE LOCAL, STATE AND FEDERAL LEVEL. THE ORGANIZATION ALSO SEEKS TO REGISTER THESE CHRISTIAN PEOPLE TO VOTE FOR THOSE PERSONS

PAGE SIX DE WF #0033 UNCLAS

WHO ADHERE TO THE SET OF CHRISTIAN FUNDAMENTALS THAT HAVE BEEN ESTABLISHED BY ACTV. THE ACTV ALSO IS ATTEMPTING TO PLACE PERSONS HOLDING THE SAME BELIEFS AS THEM INTO GOVERNMENT POSITIONS, BOTH ELECTED, APPOINTED AND CAREER. MAYNARD STATED THAT THE DIRECTOR, DR. TIM LA HAYE, HAS ARTICULATED A TARGET LEVEL CALLING FOR APPROXIMATELY TWENTY-FIVE PERCENT OF GOVERNMENT EMPLOYEES TO BE PERSONS IDENTIFYING WITH THE FUNDAMENTALIST CHRISTIAN BELIEFS. THE 25 PERCENT FIGURE IS TAKEN FROM THE APPROXIMATE PERCENTAGE OF THE AMERICAN POPULATION MADE UP OF FUNDAMENTALIST CHRISTIANS. MAYNARD STATED THAT THE APPOINTEE, AS FAR AS HE KNOWS, DOES NOT TAKE AN ACTIVE ROLE IN THIS CAMPAIGN AND IN FACT ONLY SPOKE TO THE FIRST CONVENTION OF ACTV IN 1984. MAYNARD STATED THAT THE APPOINTEE MENTIONED THE "TALENT BANK" CONCEPT AT THAT CONVENTION. MAYNARD STATED THAT DR. LA HAYE HAS A "VISION" OF PUTTING THAT PROPOSAL INTO PRACTICE WITHIN THE GOVERNMENT. MAYNARD STATED THAT THE TALENT BANK IS CORRECTLY CALLED "THE GOVERNMENT SERVICE ADVISORY PROGRAM" WHICH SOLICITS APPLICATIONS FROM PERSONS ADHERING TO 10 FUNDAMENTAL MORAL CONCERNS AS PROPOSED BY ACTV AND ATTEMPTING TO PLACE THEM IN JOBS THROUGH APPOINTMENTS.

BT

#0033

NNNN

TO: HQ2 @ SAMNET-EMH

FROM: WFO @ SAMNET-EMH

SUBJECT: 042 PRIORITY

DATE: 26 JUL 85 05:21:55 EDT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

CC:

TEXT: VZCZCWFO 042

PP HQ SC SF

DE WF 042 2070521

ZNR UUUUU

P 260400Z JUL 85FM SAC, WASHINGTON FIELD (161B-14852) (P) (A-1)

TO DIRECTOR, FBI PRIORITY

FBI, SACRAMENTO PRIORITY

ATTN: SSA [REDACTED]

FBI, SAN FRANCISCO (161B-3605) PRIORITY

b6

b7C

Third Party

ATTN: SSA [REDACTED] INFO)

BT

UNCLAS SECTION TWO OF TWO

HERBERT EUGENE ALLENWOOD; SPECIAL INQUIRY; BUDED: PAST.

THROUGH VOTING OR THROUGH CAREER PLACEMENT. MAYNARD

STATED THAT THERE IS NO MASTER LIST KEPT AT THIS TIME,

BUT IN FACT, THE RESUMES OF PERSONS ADHERING TO THOSE MORAL

VALUES ARE KEPT ON FILE AND IF SOMEONE FROM A GOVERNMENT

AGENCY IS SEEKING TO FILL A POSITION AND CONTACTS ACTV, THEY

WILL CHECK THEIR FILES AND RECOMMEND PERSONS WHO THEY BELIEVE HAVE

THE QUALIFICATIONS FOR THAT JOB. MAYNARD STATED THIS CONCEPT HAS

PAGE TWO DE WF #0042 UNCLAS

NOT BEEN SUCCESSFUL DUE TO THE FACT THAT THEY DO NOT HAVE THE PERSONNEL TO MANAGE SUCH A COMPLEX SYSTEM. MAYNARD STATED THAT THE ACTV SEND TO PERSPECTIVE REGISTRANTS COPIES OF OPM BULLETINS AND LISTS OF AVAILABLE JOBS IN THE FEDERAL GOVERNMENT. MAYNARD STATED THAT THOSE LISTS ARE PUBLIC KNOWLEDGE AND THEREFORE THE ACTV FEELS THAT THEY ARE JUST POINTING OUT THE OPEN POSITIONS TO MEMBERS WHO ADHERE TO THEIR TRADITIONAL VALUES. MAYNARD REITERATED THAT THE APPOINTEE, AS FAR AS HE IS CONCERNED, HAS NO INVOLVEMENT IN THE "TALENT BANK" AND MAYNARD IS NOT EVEN SURE IF THE APPOINTEE AGREES WITH DR.

PAGE FOUR DE WF #0042 UNCLAS

THE TELEPHONE TOLL RECORDS OF THE FTS CALLS MADE FROM THE
APPOINTEE'S TELEPHONES AT THE MERIT SYSTEMS PROTECTION
BOARD. RESULTS OF THOSE LEADS ARE TO BE RECORDED AND
SUBMITTED TO HEADQUARTERS VERBALLY WITH A REPORT TO FOLLOW.

BT

#0042

NNNN

-----END OF DOCUMENT-----

TRANSMIT VIA: Airtel

CLASSIFICATION: _____

DATE: July 23, 1985FROM: Director, FBITO: SAC, Washington Field Office (161B-14852)HERBERT EUGENE ELLINGWOOD
SPECIAL INQUIRY
BUDED: PASTb6
b7C
Third Party

Re Washington Field Office Report of SA [redacted]
[redacted], dated July 17, 1985; and Butelcalls of SSA [redacted]
[redacted] Special Inquiry Unit, to SSA [redacted], WFO,
on July 17, 1985, and July 18, 1985.

At pages 73-74 of the referenced report, an interview of Anthony T. Podesta, National Director, People for the American Way (PFTAW), 1424 16th Street, Northwest, Washington, D. C., is reported. Mr. Podesta made several allegations regarding the appointee, including allegations that the appointee improperly used government telephones for personal use, that the California State Bar Association opposed his 1974 nomination to a state judgeship, and that he is one of the chief advocates for a "Christian Talent Bank" for prospective federal employees.

The San Francisco Office contacted the State Bar on July 22, 1985, but was unable to verify or disprove the allegation that the Bar had opposed Mr. Ellingwood's nomination. The Bar Association advised that their records are highly confidential and no release of information will be made without approval of the full Board of Directors.

Washington Field Office is directed to do the following by the earliest possible date:

(A) Contact the General Counsel's Office, and/or other appropriate offices, at the Merit Systems Protection Board (MSPB) to determine:

(1) Whether allegations have been made to MSPB regarding Mr. Ellingwood's misuse of MSPB telephones;

(2) Whether an investigation was conducted concerning such allegations by

161B-14852-18

SEARCHED	INDEXED
SERIALIZED	FILED

JUL 25 1985

b6
b7C
Third Party

OFFICE

FBI

JUL 25 1985

Airtel from Director, FBI, to SAC, Washington Field Office, RE:
HERBERT EUGENE ELLINGWOOD; SPECIAL INQUIRY, BUDED: PAST.

MSPB, the General Accounting Office (GAO) or other entity, and, if so, what the results of the investigation were; and

(3) Whether MSPB has disciplined or reprimanded Mr. Ellingwood because of misuse of telephones.

(B) If an investigation, in fact, was conducted by GAO, MSPB or other entity, contact the investigating agency, or the investigating component within MSPB, and obtain copies of the investigative report.

(C) Re-interview Anthony T. Podesta to determine the following:

(1) In light of the Bar Association's refusal to release information, can Mr. Podesta provide insight as to means of further exploring and verifying his information that the Bar opposed Mr. Ellingwood's judicial nomination. Specifically, can Mr. Podesta advise the following:

(i) The process used in California for judicial nominations and the role of the Bar Association in that process;

(ii) Names and locating data for individuals who might be able to verify that the Bar opposed Mr. Ellingwood's nomination, particularly those persons who told Mr. Podesta about Mr. Ellingwood's nomination and the Bar's opposition.

(2) Determine whether Mr. Podesta can advise of methods to verify his allegations concerning Mr. Ellingwood's misuse of the MSPB telephones, particularly whether he can identify persons who might be interviewed in that regard.

(D) Washington Field Office should conduct follow-up investigation or set leads, as appropriate, based on information provided by Mr. Podesta.

Airtel from Director, FBI, to SAC, Washington Field Office, RE:
HERBERT EUGENE ELLINGWOOD; SPECIAL INQUIRY, BUDED: PAST.

(E) Washington Field Office should contact officials of the American Coalition for Traditional Values (ACFTU), 122 C Street, Northwest, Suite 800, Washington, D. C. (Several of these officials are identified on page 89 of the referenced report.) Standard SPIN interviews of these persons should be conducted. In addition, they should be questioned regarding the "Christian Talent Bank" and Mr. Ellingwood's possible involvement with that concept. (It is noted that Washington Field Office received a considerable amount of information about the Talent Bank on July 5, 1985, from the Office of Congresswoman Patricia Schroeder.) The following information about the Talent Bank should be obtained:

(1) A description of the nature and purposes of the Talent Bank;

(2) A thorough description of Mr. Ellingwood's role with respect to the Talent Bank; and

(3) Information as to whether the Talent Bank, Mr. Ellingwood or anyone connected to the Talent Bank has attempted to circumvent normal Civil Service procedures in the hiring or appointment of federal employees.

The requested investigation must be conducted immediately in light of the past deadline and the importance of the position in question.

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☒ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date

7/25/85

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

FM SAC, WASHINGTON FIELD (161B-14852) (P) (A-1)

TO DIRECTOR, FBI PRIORITY

FBI, SACRAMENTO PRIORITY

ATTN: SSA [REDACTED]

(INFO)

FBI, SAN FRANCISCO (161B-3605) PRIORITY

ATTN: SSA [REDACTED]

(INFO)

b6

b7C

Third Party

BT

UNCLAS

HERBERT EUGENE ~~ALLEN~~ ^{ELLINGWOOD} WOOD; SPECIAL INQUIRY; BUDED: PAST.

RE BUTEL TO SACRAMENTO, DATED 7/23/85; BUTEL TO

SAN FRANCISCO, DATED 7/22/85, AND BUTELCALL ON 7/24/85 OF

SSA [REDACTED]

SPIN UNIT, TO SP a-b SC.

b6

b7C

Third Party

AS A RESULT OF RECENT INVESTIGATION BY WASHINGTON
 FIELD OFFICE, INFORMATION HAS BEEN RECEIVED ANONOMOUSLY
 SETTING FORTH ALLEGATIONS THAT THE APPOINTEE HAS BEEN
 USING THE MERIT SYSTEMS PROTECTION BOARD TELEPHONES FOR HIS

2 - WFO

ldm:KHS

(2)

161-14852-19

Approved: [Signature]

Transmitted

(Number)

(Time)

Per [Signature]

JUL 25 12 00 PM '85

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Third Party

JUL 30 1985

FBI

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☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO DE WF #0033 UNCLAS

PERSONAL TELEPHONE CALLS, BOTH INTERNATIONALLY AND ~~NATIONWIDE~~ *nationally*
 THE ALLEGATIONS SET FORTH INFORMATION WHICH ~~WOULD~~ *approximate* INDICATE
 THAT THESE CALLS ARE BEING MADE ON FTS LINES FROM THE MERIT
 SYSTEMS PROTECTION BOARD. ADDITIONALLY, THE ALLEGATIONS
 QUESTION THE NEED FOR ANY OVERSEAS CALLS FROM SOMEONE IN THE
 MERIT SYSTEMS PROTECTION BOARD. ~~ADDITIONALLY~~, A REVIEW OF
 INVESTIGATIONS DONE TO DATE ON THE APPOINTEE WHILE AT THE
 MERIT SYSTEMS PROTECTION BOARD HAVE INDICATED THAT THE
 ABOVE STATED ALLEGATIONS HAVE NOT BEEN LOOKED INTO BY ANY
 INVESTIGATIVE AGENCY. THE RESULTS OF THE ~~INVESTIGATION~~ *WFO*
 LEADING UP TO THE RECEIPT OF THIS ANONYMOUS LETTER ARE AS
 FOLLOWS:

ON 7/23/85, BRUCE MAYOR, ACTING DEPUTY GENERAL COUNSEL
 FOR THE MERIT SYSTEMS PROTECTION BOARD, WAS INTERVIEWED IN
 REFERENCE TO HIS KNOWLEDGE CONCERNING THE ABOVE ALLEGATIONS.
 BEING ~~INVESTIGATED PRIOR TO THE APPOINTEE'S BACKGROUND~~
~~INVESTIGATION~~. MAYOR STATED THAT TO THE BEST OF HIS KNOWLEDGE
 NO ONE IN HIS OFFICE HAD INVESTIGATED ~~THAT~~ *those* SPECIFIC COMPLAINTS
 CONCERNING THE APPOINTEE AND HE IS NOT AWARE THAT ANY OF THE
 OTHER INVESTIGATIVE UNITS WITHIN THE MERIT SYSTEMS ~~CONTROL~~ *protection*

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

FBI

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☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
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☐ UNCLAS

Date _____

PAGE THREE DE WF #0033 UNCLAS

BOARD HAVE INVESTIGATED THAT SPECIFIC COMPLAINT. MAYOR
 STATED THAT THE OFFICE OF GENERAL COUNSEL HAS PARTICIPATED
 IN AT LEAST ONE OTHER INVESTIGATION CONCERNING THE CHAIRMAN *(appointee)*
 DURING WHICH THEY ASSISTED *Appointee* GAO IN SECURING DOCUMENTS
 CONCERNING THE ~~CHAIRMAN'S~~ TRAVEL, THE RECEIPT OF ~~FTS~~ *las*
 HONORARIUMS WHILE ON GOVERNMENT TRIPS AND THE MISUSE OF
 GOVERNMENT VEHICLES.

ON 7/23/85, FRANK HAGAN, COMPTROLLER, OFFICE OF THE
 COMPTROLLER, UNITED STATES MERIT SYSTEMS PROTECTION BOARD *(MSPB)*
 WAS INTERVIEWED IN REGARDS TO ANY INVESTIGATIONS THAT WERE
 CONDUCTED BY HIS OFFICE ON THE APPOINTEE FOR MISUSE OF
 THE MERIT SYSTEMS PROTECTION BOARD TELEPHONE SYSTEM, EITHER
 FTS LINES OR COMMERCIAL LINES. HAGAN STATED THAT HE HAS NO
 KNOWLEDGE OF ANY INVESTIGATIONS THAT WERE EVER CONDUCTED AS
 A RESULT OF ALLEGATIONS MADE AGAINST THE APPOINTEE FOR MISUSE
 OF THE FTS AND COMMERCIAL TELEPHONE LINES AT THE MERIT SYSTEMS
 PROTECTION BOARD. *retravne* HAGAN FURTHER ADVISED THAT HE HAS NEVER
 BEEN ASKED TO ~~RECOVER~~ THE TELEPHONE BILLS FOR EITHER THE
 COMMERCIAL LINES OR THE FTS LINES TO THE APPOINTEE'S OFFICE.
 HAGAN STATED THAT HE DID COOPERATE WITH GAO ON AN INVESTIGATION

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 (Number) (Time)

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- ☐ Teletype
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PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

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☐ SECRET
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Date _____

PAGE FOUR DE WF #0033 UNCLAS

INTO THE APPOINTEE, BUT THAT INVESTIGATION FOCUSED ON TRAVEL AND HONORARIUMS WHICH THE APPOINTEE MAY HAVE RECEIVED WHILE ON GOVERNMENT BUSINESS. HAGAN STATED THAT ON THE OCCASIONS WHICH HE WAS ASKED TO CHECK THE TELEPHONE RECORDS AT THE MERIT SYSTEMS PROTECTION BOARD, NONE OF THE REQUESTED DOCUMENTS WERE FOR ANY OF THE TELEPHONE LINES IN THE APPOINTEE'S OFFICE.

ON 7/23/85, K. WILLIAM O'CONNOR, SPECIAL COUNSEL, OFFICE OF THE SPECIAL COUNSEL OF THE MERIT SYSTEMS PROTECTION BOARD, WAS INTERVIEWED CONCERNING HIS KNOWLEDGE OF ANY INVESTIGATIONS INTO ALLEGATIONS THAT THE APPOINTEE WAS MISUSING THE TELEPHONES AT THE MERIT SYSTEMS PROTECTION BOARD BY MAKING INTERNATIONAL PHONE CALLS AND OTHER NATIONAL PHONE CALLS FOR THE PURPOSE OF CONDUCTING PERSONAL BUSINESS. O'CONNOR STATED THAT HIS OFFICE HAS NEVER RECEIVED ANY ALLEGATIONS CONCERNING THE MISUSE OF THE TELEPHONES FOR PERSONAL BUSINESS AS IT RELATES TO THE APPOINTEE. O'CONNOR ADVISED THAT SINCE THE APPOINTEE HAS BEEN THE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, THEY HAVE RECEIVED THREE

COMPLAINTS CONCERNING THE APPOINTEE, ONE WHICH LED TO A FULL

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PRECEDENCE:

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☐ Routine

CLASSIFICATION:

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☒ UNCLAS

Date

7/25/85

PAGE FIVE DE WF #0033 UNCLAS

INVESTIGATION, THE OTHER TWO WHICH WERE DISMISSED AS NOT
 TRUE ON THEIR FAITH. THE ONE INVESTIGATION WAS INTO THE
 ATTEMPTED USE OF INFLUENCE BY THE CHAIRMAN APPOINTEE TO
 FORSTALL AN ACTIVE INVESTIGATION, THE OTHER TWO COMPLAINTS
 WHICH DID NOT RESULT IN FULL INVESTIGATIONS WERE THOMAS
 INCIDENT AT THE SAN FRANCISCO OFFICE OF THE MERIT SYSTEMS
 PROTECTION BOARD AND THE CHRISTIAN TOWN BANK WHICH REPORTEDLY
 HAS BEEN ASSOCIATED WITH THE APPOINTEE. THE LAST TWO
 COMPLAINTS WERE SELF-INITIATED BY THE OFFICE OF SPECIAL
 COUNCIL AND DURING THE COURSE OF STAFF EVALUATION DISMISSED
 AS LACKING MERIT. ON 7/24/85, MR. CURTIS MAYNARD,
 ADMINISTRATIVE ASSISTANT TO DR. TIM LA HAYE, AT THE AMERICAN
 COALITION FOR TRADITIONAL VALUES, WAS INTERVIEWED WITH
 REGARDS TO THE EXTENT OF INVOLVEMENT THAT THE APPOINTEE HAS
 IN THE "CHRISTINA TOWN BANK." MAYNARD STATED THAT THE
 AMERICAN COALITION FOR TRADITIONAL VALUES (ACTV) IS SEEKING
 TO ORGANIZE THOSE PERSONS WHO WERE HERE TO CERTAIN RELIGIOUS
 PRINCIPLES INTO A POLITICAL FORCE ON BOTH THE LOCAL, STATE
 AND FEDERAL GOVERNMENT LEVEL. THE ORGANIZATION ALSO SEEKS
 TO REGISTER THESE CHRISTIAN PEOPLE TO VOTE FOR THOSE PERSONS

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☒ UNCLAS

Date

7/25/85

PAGE SIX DE WF #0033 UNCLAS

WHO ADHERE TO THE SET OF CHRISTIAN FUNDAMENTALS THAT HAVE BEEN ESTABLISHED BY ACTV. THE ACTV ALSO IS ATTEMPTING TO PLACE PERSONS HOLDING THE SAME BELIEFS AS THEM INTO GOVERNMENT POSITIONS, BOTH ELECTED, APPOINTED AND CAREER POSITIONS. MAYNARD STATED THAT THE DIRECTOR, DR. TIM LA HAYE, HAS ARTICULATED ^{a target level} A POINT CALLING FOR APPROXIMATELY TWENTY-FIVE PERCENT OF GOVERNMENT EMPLOYEES TO BE PERSONS IDENTIFYING WITH ^{fundamentalist} THE CHRISTIAN BELIEFS. THE TWENTY-FIVE PERCENT FIGURE IS ^{taken} ~~GOTTEN~~ FROM THE APPROXIMATE PERCENTAGE OF THE AMERICAN POPULATION MADE UP OF FUNDAMENTALIST CHRISTIANS. MAYNARD STATED THAT THE APPOINTEE ^{for} AS FAR AS HE KNOWS ^{for} DOES NOT TAKE AN ACTIVE ROLE IN THIS CAMPAIGN AND IN FACT ONLY SPOKE TO THE FIRST CONVENTION OF ACTV IN 1984. MAYNARD STATED THAT THE APPOINTEE MENTIONED THE ^{Talent} ~~TOWN~~ BANK CONCEPT AT THAT CONVENTION. MAYNARD STATED THAT DR. LA HAYE HAS A "VISION OF PUTTING THAT PROPOSAL INTO PRACTICE WITHIN THE GOVERNMENT. MAYNARD STATED THAT THE TALENT BANK IS CORRECTLY CALLED ^{applications from} THE GOVERNMENT SERVICE ADVISORY PROGRAM WHICH SOLICITS PERSONS ADHERING TO TEN FUNDAMENTAL MORAL ^{as proposed by ACTV} CONCERNS AND ATTEMPTING TO PLACE THEM IN JOBS ^{the high} EITHER APPOINTED, ^{sent}

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Approved: _____

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Date

7/25/85

ALL INFORMATION CONTAINED

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DATE 05-30-2007 BY AUC 60324/BAW/STP/cld

FM SAC, WASHINGTON FIELD (161B-14852) (P) (A-1)

TO DIRECTOR, FBI PRIORITY

FBI, SACRAMENTO PRIORITY

ATTN: SSA [REDACTED]

b6

b7C

Third Party

FBI, SAN FRANCISCO (161B-3605) PRIORITY

ATTN: SSA [REDACTED]

(INFO)

BT

UNCLAS *for*

HERBERT EUGENE ALLENWOOD; SPECIAL INQUIRY; BUDED: PAST.

THROUGH VOTING *or* THROUGH CAREER POSITIONS. MAYNARD

STATED THAT THERE IS NO MASTER LIST KEPT AT THIS TIME,

BUT IN FACT, THE RESUMES OF PERSONS ADHERING TO THOSE MORAL

VALUES ARE KEPT ON FILE AND IF SOMEONE FROM A GOVERNMENT

AGENCY IS SEEKING TO FILL A POSITION AND CONTACTS ACTV, THEY

WILL CHECK THEIR FILES AND RECOMMEND PERSONS WHO THEY HAVE

the qualifications of that job.
ON FILE. MAYNARD STATED THIS CONCEPT HAS NOT BEEN SUCCESSFUL

✓ 2-WFO

KHS:ldm *LDm*

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Approved: _____ Transmitted _____ Per _____
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FBI

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☒ UNCLAS

Date

7/25/85

PAGE TWO DE WF #0042 UNCLAS

DUE TO THE FACT THAT THEY DO NOT HAVE THE PERSONNEL TO
MANAGE SUCH A COMPLEX SYSTEM. MAYNARD STATED THAT THE ACTV
SENDS TO PERSPECTIVE REGISTRANTS COPIES OF OPM BULLETINS
AND LISTS OF AVAILABLE JOBS IN THE FEDERAL GOVERNMENT.
MAYNARD STATED THAT THOSE LISTS ARE PUBLIC KNOWLEDGE AND
THEREFORE THE ACTV FEELS THAT THEY ARE JUST POINTING OUT
THE OPEN POSITIONS TO MEMBERS WHO ADHERE TO THEIR TRADITIONAL
VALUES. MAYNARD REITERATED THAT THE APPOINTEE, AS FAR AS
HE IS CONCERNED, HAS NO INVOLVEMENT IN THE "TALENT BANK" AND
MAYNARD IS NOT EVEN SURE IF THE APPOINTEE AGREES WITH DR.

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Date _____

PAGE THREE DE WF #0042 UNCLAS

LA HAYE'S POSITION ON THE TWENTY-FIVE PERCENT FIGURE.

ON 7/24/85, ELLEN VATTISTELLI, PROFESSIONAL STAFF
 MEMBER OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
 SUB COMMITTEE ON CIVIL SERVICE, PROVIDED THE FBI WITH A
 TYPED COPY OF AN ANONYMOUS LETTER SUBMITTED TO THAT
 COMMITTEE ALLEDGING THAT THE APPOINTEE WHILE AT THE MSPB
 HAS TAKEN TRIPS TO THE FAR EAST AT THE GOVERNMENT'S EXPENSE
 AND HAS MADE THOUSANDS OF DOLLARS WORTH OF OVERSEAS FTS
 CALLS IN THE PURSUIT OF HIS PERSONAL BUSINESS. THE COMPLAINT
 ALLEDGES THAT THERE IS NO NEED FOR THE MSPB TO BE MAKING
 OVERSEAS CALLS AS THEIR DUTIES OUTSIDE THE UNITED STATES
 ARE NOT READILY APPARENT.

WASHINGTON FIELD OFFICE WILL FOLLOW UP THE ALLEGATION
 CONCERNING THE TELEPHONE CALLS IN AN ATTEMPT TO PROVE OR
 DISPROVE THAT ALLEGATION.

LEAD: WASHINGTON FIELD OFFICE, AT WASHINGTON, D.C.
 WILL CONTACT THE MERIT SYSTEMS PROTECTION BOARD, OFFICE OF
 COMPTROLLER, AND SECURE FROM THAT OFFICE THE TELEPHONE
 POLL RECORDS OF CALLS EMINATING FROM THE APPOINTEE'S PHONES
 AT THE MSPB. WILL ALSO CONTACT GSA IN AN ATTEMPT TO SECURE

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FBI

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☐ UNCLAS

Date _____

PAGE FOUR DE WF #0042 UNCLAS

THE TELEPHONE TOLL RECORDS OF THE FTS CALLS MADE FROM THE
APPOINTEE'S TELEPHONES AT THE MERIT SYSTEMS PROTECTION
BOARD. RESULTS OF THOSE LEADS ARE TO BE RECORDED AND
SUBMITTED TO HEADQUARTERS VERBALLY WITH A REPORT TO FOLLOW.

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Approved: _____ Transmitted _____ Per _____
(Number) (Time)

Justice Post Fight Looms

Meese Associate in Line For Office of Legal Policy

By Howard Kurtz
Washington Post Staff Writer

An FBI background investigation is focusing on several potential controversies over the expected nomination of Herbert E. Ellingwood to head the Justice Department's Office of Legal Policy, which screens candidates for federal judgeships.

Opponents have mounted a preemptive campaign to defeat Ellingwood, a longtime associate of Attorney General Edwin Meese III and now chairman of the Merit Systems Protection Board.

One reason for their opposition involves questions about Ellingwood's connection with a "Christian talent bank" to recruit Christians for federal jobs.

Another concern is based on allegations that he helped arrange a federal job for the wife of a mutual friend who had given Meese's wife a \$15,000 interest-free loan.

Ellingwood declined to be interviewed for this article.

If nominated, Ellingwood would help President Reagan select 114 federal judges—more than one-seventh of the judiciary—at a time when some have accused the administration of screening candidates according to their views on such issues as abortion.

An FBI background check is usually the last step before a presidential nomination. But some sources say the administration is having second thoughts about facing another major confirmation fight in the Senate Judiciary Committee, which last month rejected William Bradford Reynolds' nomination to be associate attorney general.

Among those interviewed by the FBI are aides to Rep. Patricia Schroeder (D-Colo.), chairman of a House Post Office and Civil Service subcommittee that has investigated Ellingwood.

FBI agents also have interviewed officials at People for the American Way, a nonprofit liberal group.

One official, Melanne Verveer, said she questioned whether Ellingwood "would impose a religious test" on judicial candidates.

Ellingwood, who was Reagan's legal affairs secretary in California and a deputy White House counsel before taking over the merit board in late 1981, makes no secret of his religious activities. He is a regent of the Christian Broadcasting Network University, holds prayer meetings in his office and speaks to Christian groups around the country.



BY GERALD MARTINEAU—THE WASHINGTON POST

One reason that Herbert E. Ellingwood is being opposed is his connection with "Christian talent bank."

The General Accounting Office found last year that he had earned \$16,000 in honoraria over a 20-month period, mostly for speaking to Christian groups. Seven of Ellingwood's speaking engagements coincided with his official travel, but the GAO said he made the speeches on personal time.

Ellingwood once said that Reagan, while governor of California, was "instantly healed of ulcers" after being told that a Sacramento prayer group was praying for him. Ellingwood called it "a miracle," according to the Los Angeles Times.

In 1982, according to The Sacramento Bee, he told a church group:

"Where have you—the church—been when 13 million babies have been killed by abortion? Where have we been when we've allowed hard-core pornography to come even onto our own television sets? I think every Christian ought to be involved in politics."

The Federal Times reported in January that Ellingwood was providing help to a Christian "talent bank" operated by American Coalition for Traditional Values (ACTV), a network of about 100,000 fundamentalist churches.

Curtis Maynard, ACTV's executive director, told the newspaper that Ellingwood notifies the group of "openings in the civil service" and "channels" applicants to "the right place." ACTV President Tim LaHaye was quoted as saying the program aimed to "flood the bureaucracy with Christians."

In response to an inquiry from Schroeder, Ellingwood said he has never advised ACTV on civil service openings. He said that after learning that the group had "an advisory service" on civil service vacancies, "I did suggest to Dr. LaHaye that he include a similar service for those who might be interested in a presidential appointment."

Ellingwood said he thinks competent people

should be involved in government "regardless of their religious affiliation." LaHaye, in a separate response, said the program involves distributing brochures and public information about federal job vacancies.

Schroeder said Ellingwood has displayed "a total disrespect for the whole idea of the merit system. He seems to think Christians have a corner on decency. You really have the feeling he thinks he's answering to a higher law."

Schroeder also criticized Ellingwood for allegedly arranging a merit board job for Gretchen W. Thomas, an issue that surfaced during an independent counsel's probe of Meese last year.

Thomas, who had been a White House intern under Ellingwood, sought his aid when her husband, Edwin, was made San Francisco regional administrator for the General Services Administration in 1982. The appointment followed a \$15,000 loan from Edwin Thomas to Meese's wife in 1980.

A report by Schroeder's staff said that Ellingwood lobbied several merit board officials to hire Gretchen Thomas, who had just graduated law school. She was later given a \$23,566 attorney's job that was created for her in the merit board's San Francisco office.

A. Luis Lucero, the agency's San Francisco regional director, said he told Ellingwood that Thomas was not qualified for any job in his office, according to the report. But Lucero said Ellingwood told him that this did not matter and that he should "back off," the report said.

Ellingwood said at the time that he had not lobbied agency officials on Thomas' behalf or violated merit hiring principles.

Four of the approximately 18 employees in the agency's San Francisco office, including three blacks, were laid off last month in a reduction in force, but Thomas was not among them.

Searched

Serialized

Indexed

Filed

JUL 30 1985

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE WASHINGTON FIELD	OFFICE OF ORIGIN BUREAU	DATE 8/2/85	INVESTIGATIVE PERIOD 6/29/85 - 8/2/85
TITLE OF CASE HERBERT EUGENE ELLINGWOOD		REPORT MADE BY SA [REDACTED] CHA [REDACTED]	TYPED BY act
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 05-30-2007 BY AUC 60324/BAW/STP/cld		SPIN	b6 b7C Third Party

REFERENCE: Bureau teletype to WFO dated 6/29/85; Bureau airtel to WFO dated 7/23/85.

-P- 8/5/85

ENCLOSURES

1. Copy of Committee Markup of Civil Service Reform Legislation report reference Civil Service Reform.
2. One copy of a report from the Merit Systems Protection Board regarding the [REDACTED] matter.
3. Four pamphlets from the American Coalition for Traditional Values.
4. One copy of a fact sheet from American Coalition for Traditional Values entitled "How ACTV Works".

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ACCOMPLISHMENTS CLAIMED <input type="checkbox"/> NONE						ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO
CON VIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES		

APPROVED W/L	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE:		

2-Bureau
①-WFO (161B-14852)

me 8/5/85
du 8/5/85

Ken - Did I rewrite p. 2 correctly?

161-14852-21

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations Searched

Serialized **du**

Indexed **du**

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5. One Government Service Advisor Program Questionnaire.

ADMINISTRATIVE:

"Where appropriate, Privacy Act (e) (3) data was furnished to persons interviewed. Express promises of confidentiality, both limited and unlimited, have been noted where granted."

Telephone toll records from the Merit Systems Protection Board regarding the appointee's telephone calls have not been received by WFO. Upon receipt and analysis of those records, RUC report will be forwarded.

**KEEP THIS PINK SLIP WITH MATERIAL UNTIL RETURNED
TO STENOGRAPHIC POOL FOR CORRECTIONS**

To:

[Redacted]

Date: 8/6 corrected
8/7 corrected
Squad: A-1

Re:

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Typed By:

[Redacted]

Attached material was typed on Magnetic Card. Corrections should
be returned by _____.

If you wish card(s) retained beyond this date contact the Stenographic
Pool immediately.

Any corrections which you wish to have made should be indicated on
the original copy.

Chief Steno

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FBI/DOJ

FD-204 (REV. 3/3/59)

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

Report of: SA [REDACTED] Office: Washington, D.C.
Date: AUGUST 2, 1985

Field Office File #: 161B-14852 Bureau File#:

Title: HERBERT EUGENE ELLINGWOOD

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Character: SPECIAL INQUIRY

Synopsis: Special Counsel, Comptroller, Acting Deputy General Counsel all from Merit Systems Protection Board (MSPB) interviewed and commented in the negative on any prior investigations into the alleged misuse of the MSPB telephone system by the appointee. Documents provided by Special Counsel showing results of investigation conducted on the appointee. American Coalition for Traditional Values (ACTV) leaders interviewed and denied involvement by appointee in "Talent Bank." Pamphlet showing ACTV activity provided. National Director of People for the American Way interviewed and renewed his objections to the appointee. Staff member on Committee on the Post Office and Civil Service Subcommittee interviewed and provided a copy of allegations against appointee. GSA employee interviewed and provided information regarding prior requests for telephone toll records. ✓

-P-

DETAILS: AT WASHINGTON, D.C.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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KHS:pjd

On July 24, 1985, the following investigation was conducted by Special Agent (SA) [redacted] in regards to the appointee, HERBERT EUGENE ELLINGWOOD:

K. WILLIAM O'CONNOR, Special Counsel, Office of the Special Counsel of the Merit Systems Protection Board, stated that he has never heard of any allegations made against the appointee concerning the possible misuse of the telephone system at the Merit Systems Protection Board. O'CONNOR stated that he is not aware that any other entity has conducted any investigation into that particular allegation. O'CONNOR advised that he was aware of the GOVERNMENT ACCOUNTING OFFICE (GAO), investigation into the appointee's travel and honorariums, but is sure that that investigation did not cover possible misuse of a telephone system. He further advised that he was aware of Congresswoman SCHROEDER's Office looking into the appointee's private business, which was an import business from China. O'CONNOR stated that the appointee was not active in that business and has not been active since his appointment to the Merit Systems Protection Board. O'CONNOR additionally advised that his office had conducted a total of three investigation on the appointee since the appointee has been at the Merit Systems Protection Board. O'CONNOR stated that the three investigations, in which the Office of Special Counsel was involved, were the attempted use of influence to stall an investigation, the GRETCHEN THOMAS appointment matter, and the "Christian Talent Bank" matter. *The Talent Bank was* ~~were~~ not investigated because of staff evaluations concluding that the allegations itself was frivolous. O'CONNOR stated that the THOMAS incident and the "Christian Talent Bank" incident were self-initiated by members of his staff. He further stated that those investigations and staff evaluations were conducted by his Chief of Investigations, BOB LA RUE, and the Inspector General for the Office of Special Counsel, JIM SUGIYAMA. O'CONNOR again advised that his office has never been party to or initiated investigation into the appointee and the allegation that the appointee used the Merit Systems Protection Board telephones to make long distance calls in the pursuit of private business.

WFO 161-14852
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On July 23, 1985, the following investigation was conducted by SA [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD.

FRANK HAGAN, Comptroller, Office of the Comptroller, Merit Systems Protection Board stated that when he first took over as Comptroller of the Merit Systems Protection Board, his position was titled Director of Internal Controls. HAGAN further stated that he decided to break up that office and appoint a person to Division of Internal Audit and Control. He stated that the Division of Internal Audit and Control was formed to act as an Inspector General's Office (IG). That particular office does not do all the same functions of an IG Office but is similar to that of an Inspector General's Office. HAGAN stated that the Director of Division of Internal Audit and Control, T. PAUL RIEGERT, has never conducted any investigation on the appointee. HAGAN advised that he has been involved in one investigation with GAO. HAGAN stated that that investigation centered on the appointee's possible misuse of government funds for personal travel and the appointee's receipt of honorariums for speeches made by the appointee while he was on government business. HAGAN stated that as far as he knows the complaints came from a Congressional Committee and the GAO Hotline. HAGAN stated that he does not know the exact source of those allegations. HAGAN stated that the extent of his involvement in that investigation was that he pulled travel vouchers and other documents pertaining to the appointee's trips. HAGAN stated that he has had no inquiry into the telephone toll records, either FTS or commercial, concerning the appointee. HAGAN further stated that he has never been asked to pull the toll records of anyone at the Merit Systems Protection Board nor has he pulled the toll records on his own. HAGAN stated that his office is the Office that receives the telephone bills but that he never looks at the individual bills but only concentrates on the total at the end of the month. HAGAN stated that the bills which he would see would only involve the commercial calls. HAGAN stated that the FTS calls would be logged at the GSA and their records would reflect those calls. HAGAN advised that his office has no relationship with the Office of Special Counsel and therefore would not know if the Special Counsel were conducting an investigation on anyone within the Merit Systems Protection Board. HAGAN further advised that the only way he would know is if the Office of Special Counsel had requested documents and made it known that they were in fact conducting an investigation.

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On July 25, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regards to the appointee, HERBERT EUGENE ELLINGWOOD:

FRANK HAGAN, Comptroller, Office of the Comptroller, Merit Systems Protection Board, was contacted in reference to the FEDERAL BUREAU OF INVESTIGATION (FBI) receiving copies of telephone bills for the Merit Systems Protection Board. The request of Mr. HAGAN was from commercial and FTS calls made from the appointee's office, which includes any telephone lines he has at that office. HAGAN stated that the appointee has four telephone lines emanating from his office. The following telephone numbers are those lines which emanate from the appointee's office:

653-7101
653-7102
653-7104
653-7114

HAGAN stated that he was not directly responsible for the FTS lines and the telephone calls made from them, and that the FTS record of calls made would be maintained by GENERAL SERVICES ADMINISTRATION (GSA). HAGAN further stated that he would have BRIAN MASON, the person in charge of the telephone system for the Merit Systems Protection Board contact the Case Agent for more information concerning how those telephone numbers could be gotten from GSA. He further advised that he was in a position to have the commercial telephone bills checked for numbers of calls which emanated from the above mentioned telephone numbers. HAGAN stated that it would take him approximately four days to put together that information, and upon completion, would contact the FBI and provide copies of the telephone bills.

WFO 161B-14852

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On July 23, 1985, the following investigation was conducted by SA [redacted] in regards to the appointee, HERBERT EUGENE ELLINGWOOD.

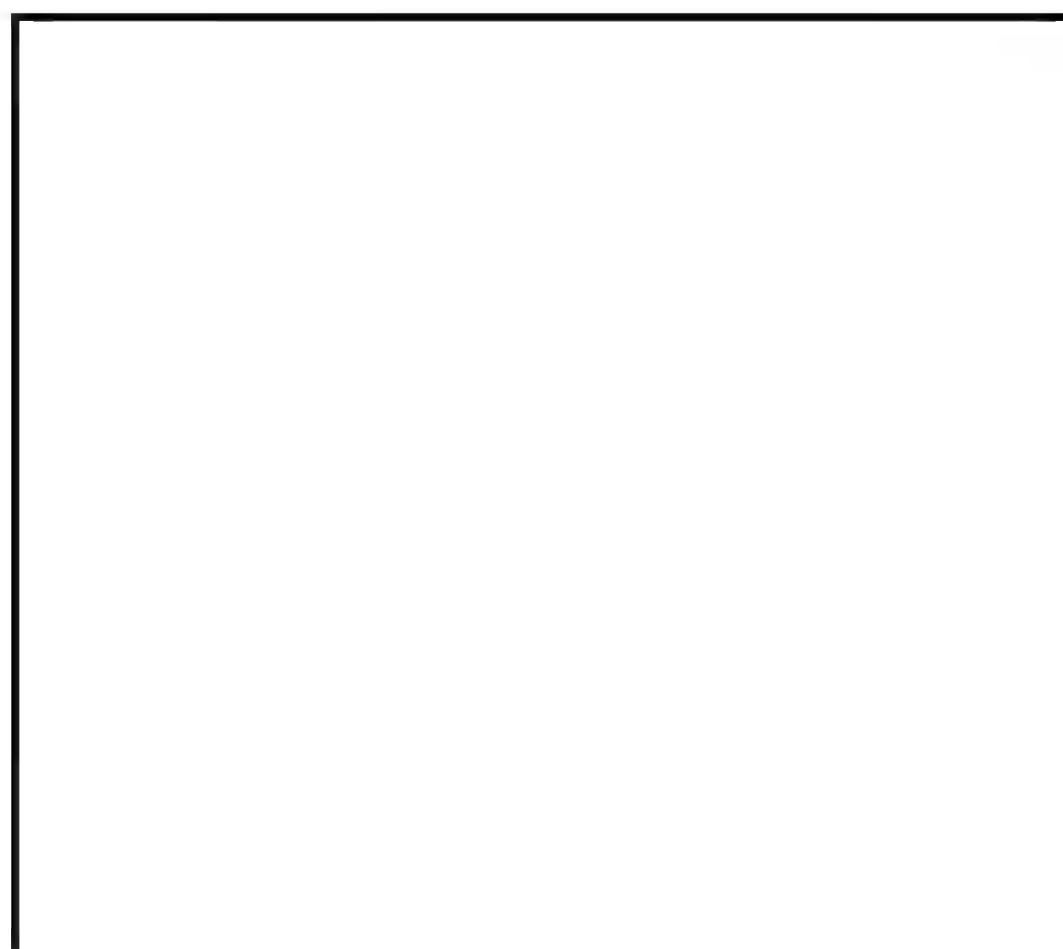
BRUCE MAYOR, Acting Deputy General Counsel for the Merit System's Protection Board, stated that the Merit System's Protection Board, because of its position in the federal government, does not fall under the Inspector General Act. MAYOR stated that the Inspector General duties fall to the Office of the Comptroller, who is in charge of Internal Audit Functions. MAYOR further advised that his office, the Office of General Counsel acts as the Ethics Officer for the Merit System's Protection Board. MAYOR stated the following is an example of their duties. If the Chairman would be investigated by GAO and the Chairman wanted someone from his office to help GAO conduct the investigation then the Office of General Counsel would normally be asked to assist. MAYOR further advised that the Office of Special Counsel for Merit System's Protection Board is an independent office that is "non-reportive" to the board. The Merit System's Protection Board has no position to conduct an investigation independent of the other two. MAYOR also advised that if the Comptroller were conducting an investigation he would be much more likely to hear about that investigation than he would be if the Special Counsel were conducting the investigation. He further advised that the Special Counsel has no responsibility to report findings of any investigation to the Board and does not routinely report to them.

MAYOR stated that he is not aware that there were allegations made against the Chairman, HERBERT EUGENE ELLINGWOOD, for misuse of the telephones for personal business. MAYOR further stated that the Board was not asked by any other agency to assist them and as far as he knows that allegation has never been raised by anyone. MAYOR stated that in keeping with the independence of the Special Counsel, he would not necessarily know about a Special Counsel investigation until they came forward to the Board with that investigation. MAYOR reiterated that nothing of that type has come forward concerning the allegations of misuse of the telephones by the Chairman. MAYOR stated that he "would be amazed" if the Chairman ~~was~~ ^{were} involved in that type of infraction.

other MAYOR stated that he is not aware of any other investigations than the original GAO investigation. MAYOR advised that an incident known as the Thomas Affair was brought to their attention but did not directly affect the Chairman and his office was

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WFO 161-14852

not directly involved in that investigation. MAYOR reiterated the fact that he is not aware of any investigations concerning the misuse of the telephones by the Chairman or any other investigations that may have been conducted by the Office of Special Counsel.

MAYOR stated that certain allegations concerning a "Talent Bank", have surfaced regarding the Chairman and his involvement in the organizations that support the "Talent Bank". MAYOR stated that as far as he is concerned the appointee has done nothing internally as far as hiring to indicate that a "Talent Bank" of Fundamentalist Christians exist. MAYOR additionally stated that he is not aware of any grievances submitted by any MSPB employees which allege that they were discriminated against because of their religion.

WFO 161B-14852
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On July 31, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

DR. TIM LAHAYE, President of the American Coalition for Traditional Values (ACTV), stated that he has been the President of ACTV since its inception in 1984. DR. LAHAYE stated that the term "talent bank", was used by himself and others early in the planning stages for ACTV but has since been amended to the Government Service Advisory Program. DR. LAHAYE stated that this term is more appropriate for what ACTV is actually doing at this time. DR. LAHAYE stated that the basic concept of ACTV is to raise the level of consciousness of Christians about working for the government. DR. LAHAYE stated that basically what his group does is inform other Christians about government position both career and appointed. DR. LAHAYE further advised that his organization is trying to get Christians to use their influence. The majority of Christians in this country have no idea how to go about seeking government positions and therefore his agency fills that gap by supplying them with materials which lists job openings and assist them in filling out resumes and applications for government jobs. DR. LAHAYE stated that no master list of Christians exists within his agency but that they do maintain files on persons who have submitted their resumes to them. DR. LAHAYE stated that he sees himself as an advisor to Christians who are interested in seeking government jobs. He further stated that the reason he is advising these people to seek government jobs is that for too many years, Christians have been told that a Christian can not serve the church and the government. He stated that he is trying to change this attitude among Christians and bring those who subscribe to the organizations "ten moral concepts", into government. DR. LAHAYE stated that, in fact, what he is trying to do is correct the image of government and get those people who have certain morals into positions where their influence can be exerted in the governing of this country. DR. LAHAYE advised that the 25% rule was initiated by him by using statistics which were gathered by independent poll takers. He stated that the statistics indicate that 25% of the American population feels that they are Born Again Christians. He further stated that if that is true, then he feels that 25% of all government employees should be fundamental Christians.

DR. LAHAYE stated that ACTV is run by an executive committee which has under it an executive board and a Board of

WFO 161-14852
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Governors. The Board of Governors number approximately 500 and are those persons in the states and cities throughout the United States. DR. LAHAYE stated that all the board members are ministers except for one who is the head of a non-profit Christian organization. DR. LAHAYE stated that it is through these board members that the members of their churches learn about ACTV and therefore, it is from these churches and through the board members that names are submitted to ACTV. He further stated that notice is passed through the board members to the congregations in what DR. LAHAYE calls "call for action" on moral issues. DR. LAHAYE described these "call for actions" as a letter writing campaign on the ten moral concepts which ACTV subscribes to. DR. LAHAYE stated that persons on the local level and in the local churches learn about ACTV through this Board of Governors.

DR. LAHAYE stated that the appointee is not a member of any of the boards, either the Executive Board or the Board of Governors, due to the fact that he is not a minister. DR. LAHAYE added that the appointee is not affiliated in any way with ACTV and never has been so affiliated. DR. LAHAYE stated that he and the appointee do not have much contact at this time and only know each other through the religious aspect of their lives. DR. LAHAYE stated that during one meeting that he and the appointee had, he brought up the civil service system and found it strange that the appointee would not discuss that issue. DR. LAHAYE stated that it was not until later that he realized that the appointee in his position as Chairman of the Merit Systems Protection Board had certain responsibilities regarding the civil service system. DR. LAHAYE stated that the appointee did speak at the opening conference of board members. He stated that the appointee was brought there to speak as "a person in government." DR. LAHAYE stated that the appointee challenged the people at the convention to become involved in government service. DR. LAHAYE recalls that the appointee also called for people with traditional values to become involved in government. DR. LAHAYE stated that the appointee has no other active role in any of the aspects of ACTV. DR. LAHAYE stated that the concept of the talent bank was not the appointee's and that he has never been in touch with the appointee directly about the "talent bank". DR. LAHAYE stated that the appointee has never approached him in regards to the "talent bank." DR. LAHAYE stated that he does not know of anyone who has received a federal appointment or other job in the Federal Government through the activities and associations with the talent bank of ACTV.

ACTV

WFO 161-14852

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DR. LAHAYE stated that the appointee was present during an informal dinner meeting at a Washington, D.C., Republican Club in February, 1984, when the discussion of the so-called "talent-bank" was discussed. DR. LAHAYE stated that the meeting was not an official meeting but that it was a meeting of several Christian leaders who were in town for various reasons. DR. LAHAYE stated that he does not recall the exact input of the appointee but does recall that at no time were there personalities discussed in regard to the "talent bank". DR. LAHAYE advised that it was at this meeting that the concept ~~for~~ of the ADVISORY SERVICE otherwise known as "talent bank" was conceived. DR. LAHAYE stated that he does not believe that the appointee would ever use any type of coercion or any other activity to have anyone hired just because he is a supporter of the traditional values. DR. LAHAYE stated that he has no first-hand knowledge that the appointee is actively involved in various religious groups other than the minimal involvement with ACTV at its inception. He further advised that he believes that the appointee would never use his position to effect an appointment for a government position. He further stated that ACTV as a group does not demand anything but believes that a traditional Christian value point of view should be heard from within the government just as other points of view are heard within the government.

*Back
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WFO 161-14852

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On July 24, 1985, the following investigation was conducted by Special Agent (SA) [redacted] regarding the appointee, HERBERT EUGENE ELLINGWOOD.

CURTIS MAYNARD, Administrative Assistant to the President, Dr. TIM LAHAYE, American Coalition For Traditional Values (ACTV), stated that he first met the appointee in July of 1984. That meeting was prior to the ACTV's first convention. MAYNARD stated that at that convention, ELLINGWOOD addressed the convention and in his speech mentioned the concept of a talent bank. MAYNARD stated that the appointee also spoke about Christian fundamentalists becoming involved in government service. MAYNARD stated that he never heard the appointee say that twenty-five percent of the work force in the Federal Government should be fundamentalist Christians. He did say that Dr. LAHAYE, the president of ACTV has certain visions of putting that system into effect. He further advised that there are three ways which the ACTV is trying to influence the dealings of government. Those three ways are through the placing of persons in government through appointments to government positions, encouraging persons to vote for people sharing the same beliefs, and through placing persons in career government positions. MAYNARD stated that the goal of the ACTV is to place persons through those above three mentioned positions into the government where they can bring those fundamental values back into government. MAYNARD stated that during the past thirty to forty years, Christian fundamentalists have been taught to avoid government due to the fact that it is "bad". MAYNARD stated that Dr. LAHAYE has challenged that position and now is encouraging people to return to government service and bring back the fundamentalist values with them. MAYNARD stated that at this time, a master list does not exist in the office of ACTV, but that files are kept on persons who have responded to the ACTV call for action. MAYNARD advised that the way names are gotten by ACTV, is centered around the mailing of brochures from the national headquarters here in Washington to the executive committee members. Those members reproduce the brochures and send them to executive boards which cover all fifty states. The executive boards of those states then reproduce pamphlets and send them to the board of governors in cities around the country, who in turn distribute those pamphlets to their congregations. The board of governors in

many cases, is made up of preachers of fundamentalist churches who are sympathetic to Dr. LAHAYE and his doctrine. Interested persons fill out a fact sheet and along with five dollars return it to ACTV in Washington, D.C. In turn, ACTV upon receipt of the five dollars and a completed application sends those persons a copy of the basic 171 form and the guidelines for filing for federal positions. Included with the 171 form is a questionnaire which is to be filled out and returned with the applicant's resume. MAYNARD stated that a person interested in federal service would then fill out a resume and send it to ACTV in Washington, where it would be kept on file. MAYNARD advised that the services that ACTV provides to those persons on file are that ACTV sends them a copy of the OPM bulletins for appointed positions, known as the SES list. In addition to the SES list, ACTV subscribes to a private firm ^{which} provides listings for all government jobs. This listing is made available to registered members. MAYNARD stated that if ACTV is contacted by someone in a position to hire people for a government agency, ACTV checks through its files to find out if they have anyone who has the correct qualifications for that position. MAYNARD stated that in addition to having the correct qualifications, since they are registered ^{with} ACTV, they will be a fundamentalist Christian. MAYNARD stated that persons who do not meet the criteria for receiving the job are not steered to that job just because they are fundamentalist Christians. MAYNARD added that the concept of having twenty-five percent of the work force being fundamentalist Christians is Dr. LAHAYE's philosophy and ~~that it is based on a percentage of the population in the United States that have~~ ^{the} traditional moral beliefs. MAYNARD stated that ~~the~~ twenty-five percent is a target level and not necessarily a set goal. MAYNARD stated that he is not aware if the appointee subscribes to that philosophy and reiterated the fact that he has never heard the appointee mention the twenty-five percent target level. MAYNARD stated that the philosophy behind the "talent bank" comes from books written by Dr. LAHAYE prior to the formation of ACTV by Dr. LAHAYE. MAYNARD stated that the role of the appointee in ACTV is "nothing whatsoever." MAYNARD stated that the original reports as seen in various digest articles concerning the appointee's involvement with ACTV are "not true." MAYNARD further stated that ACTV's intention is not to circumvent the civil service system of the federal appointment system, but to attempt to gain access to government positions for those people who have the same moral concerns as ACTV and its founder Dr. TIM LAHAYE. MAYNARD stated that ACTV views as its major goal, the dissemination of information of government jobs through its network of executive

WFO 161-14852

3

committees and local boards. MAYNARD stated that he has never contacted the appointee to request that the appointee look at any one specific person regarding any appointment that is available. MAYNARD stated that should the appointee ^{see} obtain a position to hire someone and ACTV felt that they had a qualified candidate, they would in fact contact the appointee and advise the appointee that a particular person is eligible. MAYNARD stated that they would only do that if the person is a supporter of the ten moral concerns and has the qualifications to meet the job requirements.

MAYNARD stated that ACTV is run on ^{money} finances it receives from the executive board, ^{which} ~~who~~ in turn receives ^{money} their finances from the local churches which subscribe to the Christian fundamentalist ideals. MAYNARD stated that when the executive board met to set up ACTV, they decided that ACTV would not be just another literature distributor for a national group. MAYNARD stated that the main priority at this time is to get people elected. He further stated that in the future, if an adequate staff is funded, the priorities might switch from getting people elected to staffing government jobs. MAYNARD stated that he has never received any indication that the appointee if given the opportunity, would give ~~person~~ ^{people} the "inside track" on federal jobs.

WFO 161-14852

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On July 24, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] regarding the appointee, HERBERT EUGENE ELLINGWOOD.

CURTIS MAYNARD, Administrative Assistant to the President, Dr. TIM LAHAYE, American Coalition For Traditional Values (ACTV), stated that he first met the appointee in July of 1984. That meeting was prior to the ACTV's first convention. MAYNARD stated that at that convention, ELLINGWOOD addressed the convention and in his speech mentioned the concept of a talent bank. MAYNARD stated that the appointee also spoke about Christian fundamentalists becoming involved in government service. MAYNARD stated that he never heard the appointee say that twenty-five percent of the work force in the Federal Government should be fundamentalist Christians. He did say that Dr. LAHAYE, the president of ACTV has certain visions of putting that system into effect. He further advised that there are three ways in which the ACTV is trying to influence the dealings of government. Those three ways are through the placing of persons in government through appointments to government positions, encouraging persons to vote for people sharing the same beliefs, and through placing persons in career government positions. MAYNARD stated that the goal of the ACTV is to place persons into the government where they can bring fundamental values back into government. MAYNARD stated that during the past thirty to forty years, Christian fundamentalists have been taught to avoid government due to the fact that it is "bad". MAYNARD stated that Dr. LAHAYE has challenged that position and now is encouraging people to return to government service and bring back the fundamentalist values with them. MAYNARD stated that at this time, a master list does not exist in the office of ACTV, but that files are kept on persons who have responded to the ACTV call for action. MAYNARD advised that the way names are gotten by ACTV, is centered around the mailing of brochures from the national headquarters here in Washington to the executive committee members. Those members reproduce the brochures and send them to executive boards which cover all fifty states. The executive boards of those states then reproduce pamphlets and send them to the board of governors in cities around the country, who in turn distribute those pamphlets to their congregations. The board of governors in

many cases, is made up of preachers of fundamentalist churches who are sympathetic to Dr. LAHAYE and his doctrine. Interested persons fill out a fact sheet and along with five dollars return it to ACTV in Washington, D.C. In turn, ACTV upon receipt of the five dollars and a completed application sends those persons a copy of the basic 171 form and the guidelines for filing for federal positions. Included with the 171 form is a questionnaire which is to be filled out and returned with the applicant's resume. MAYNARD stated that a person interested in federal service would then fill out a resume and send it to ACTV in Washington, where it would be kept on file. MAYNARD advised that the services that ACTV provides to those persons on file are that ACTV sends them a copy of the OPM bulletins for appointed positions, known as the SES list. In addition to the SES list, ACTV subscribes to a private firm which provides listings for all government jobs. This listing is made available to registered members. MAYNARD stated that if ACTV is contacted by someone in a position to hire people for a government agency, ACTV checks through its files to find out if they have anyone who has the correct qualifications for that position. MAYNARD stated that in addition to having the correct qualifications, since they are registered with ACTV, they will be a fundamentalist Christian. MAYNARD stated that persons who do not meet the criteria for receiving the job are not steered to that job just because they are fundamentalist Christians. MAYNARD added that the concept of having twenty-five percent of the work force being fundamentalist Christians is Dr. LAHAYE's philosophy and it is based on the percentage of the U.S. population which has traditional moral beliefs. MAYNARD stated that twenty-five percent is a target level and not necessarily a set goal. MAYNARD stated that he is not aware if the appointee subscribes to that philosophy and reiterated the fact that he has never heard the appointee mention the twenty-five percent target level. MAYNARD stated that the philosophy behind the "talent bank" comes from books written by Dr. LAHAYE prior to the formation of ACTV by Dr. LAHAYE. MAYNARD stated that the role of the appointee in ACTV is "nothing whatsoever." MAYNARD stated that the original reports as seen in various digest articles concerning the appointee's involvement with ACTV are "not true." MAYNARD further stated that ACTV's intention is not to circumvent the civil service system of the federal appointment system; but to attempt to gain access to government positions for those people who have the same moral concerns as ACTV and its founder Dr. TIM LAHAYE. MAYNARD stated that ACTV views as its major goal, the dissemination of information of government jobs through

its network of executive committees and local boards. MAYNARD stated that he has never contacted the appointee to request that the appointee look at any one specific person regarding any appointment that is available. MAYNARD stated that should the appointee need to hire someone and if ACTV felt that they had a qualified candidate, they would in fact contact the appointee and advise the appointee that a particular person is eligible. MAYNARD stated that they would only do that if the person is a supporter of the ten moral concerns and has the qualifications to meet the job requirements.

MAYNARD stated that ACTV is run on money it receives from the executive board, which receives money from the local churches which subscribe to Christian fundamentalist ideals. MAYNARD stated that when the executive board met to set up ACTV, they decided that ACTV would not be just another literature distributor for a national group. MAYNARD stated that the main priority at this time is to get people elected. He further stated that in the future, if an adequate staff is funded, the priorities might switch from getting people elected to staffing government jobs. MAYNARD stated that he has never received any indication that the appointee if given the opportunity, would give people the "inside track" on federal jobs.

WFO 161-14852
KHS:lr

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Third Party

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On July 23, 1985, the following investigation was conducted by SA [redacted] in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

BRIAN MASON, Chief of the Support Services Branch for the Merit Systems Protection Board, stated that he has access to all the telephone toll records that the office would keep and has access to the FTS records that GSA keeps. MASON stated that since he has been working at the Merit Systems Protection Board, he has not seen any abuse or misuse of the telephone system by either the appointee or anyone else from the Merit Systems Protection Board. MASON stated that there is nothing in the records to indicate that the Chairman (appointee) has abused the non-FTS system. MASON stated that he remembers only one or two occasions where he was asked to request toll records from GSA. MASON stated that one of the instances where he pulled toll records was upon the receipt of the request of MR. BEMBRY, who was Director of the Office of Administration for the Merit Systems Protection Board. MASON stated that this request was made for toll records covering the period February and March, 1982. MASON stated that BEMBRY did not say why he was pulling those records but that the records were pulled and presented to MR. BEMBRY. MASON advised that the only other time he pulled the GSA toll records, was upon a request from FRANK HAGAN, the Comptroller, who told him at the time they were looking for calls from San Francisco to Washington, D.C. MASON stated that he was never asked by the Office of Special Counsel or the Office of General Counsel to pull toll records for any type of investigation. MASON stated that he would not know if the toll records were pulled by anyone else outside the Merit Systems Protection Board. MASON stated that those records could be secured from GSA by anyone having the proper paperwork. He further advised that it has been his experience at the Merit Systems Protection Board that there are very few international phone calls made. MASON further advised that he has not reviewed all the records of the international phone calls, but he has never seen a large number of international phones calls made by any one person. MASON stated that he has had no indications that there is someone at the Merit Systems Protection Board abusing or misusing the phone system for their personal use.

WFO 161B-148152
KHS:tmc

On July 25, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

BRIAN MASON, Chief of the Support Services Branch of the Merit Systems Protection Board (MSPB), was contacted in regard to supplying more information on the securing of telephone bills from GENERAL SERVICES ADMINISTRATION (GSA) for particular telephone lines which are currently connected at the MSPB. MASON stated that the four telephone lines which emanated in the appointee's office, could be researched through GSA by contacting JOSEPH REESE, Statistical Control Branch, Branch Chief for FTS Samples, telephone number 566-0956.

MASON stated that when he requested telephone bills from GSA, he submits a form 1810 or a memorandum. MASON stated that to the best of his knowledge, the securing of information from GSA regarding FTS telephone calls takes approximately one month from the date of request.

MASON stated that after searching for records of prior requests to pull telephone toll records from the MSPB, he found the request for toll records from all offices of the MSPB for the months of February, 1982, and March, 1982. The request was made August 28, 1982. MASON stated that the person requesting the documents was Mr. BEMBRY, who was then Director of the Office of Administration for MSPB.

MASON stated that he was never told why the records were requested and had no idea who, if anyone, was being investigated. He further stated that he did not review any of those records. MASON advised that he was never asked by the Office of Special Counsel (OSC) or Office of Legal Counsel (OLC), to request telephone toll records for the appointee's telephone lines. MASON further advised that he would not necessarily be advised if another investigative agency was requesting the toll records of the MSPB. MASON further advised that Mr. HAGEN, the Comptroller at MSPB, at some point, also requested toll records from FTS lines. MASON stated that he made that request to GSA and that GSA forwarded the printouts to his office. MASON stated that he is not aware of where those toll records are at this time. MASON stated that on the few occasions when he has had to review FTS toll records, he has found very few international phone calls. Additionally, MASON stated that his records show

WFO 161-14852
KHS:tmc

that there are very few international phone calls in the system and that he has never seen a large number of international phone calls by anyone in particular. MASON stated that, as far as he was concerned, there were no indications that the MSPB telephone lines were being abused by employees and specifically by the appointee.

WFO 161B-14852
KHS:gb

On July 29, 1985, the following investigation was conducted by Special Agent (SA) [REDACTED] in regard to the appointee, HERBERT EUGENE ELLINGWOOD.

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Third Party

JOSEPH REESE, Chief of STS Network Sample Branch, GSA, telephone number 566-0956, stated that GSA maintains FTS records for one year. REESE further stated that the toll records are not complete and only contain a 20 percent sample of all FTS calls and that as another month's bill comes from AT&T then the last month bill is dropped. REESE further stated that AT&T sends GSA the tapes of the FTS calls but does not retain any records. He stated that the local telephone company, in this case CHESAPEAKE & POTOMAC, keeps the records for only two weeks minimum and one month maximum. REESE stated that there would be no record of those calls at CHESAPEAKE & POTOMAC. REESE advised that a request for phone calls on FTS dating back to December, 1981, would not be available from GSA. REESE further advised that if records are desired from GSA, a letter stating the telephone numbers and a short history of the information being requested should be sent to GSA.

NINETY-NINTH CONGRESS

PATRICIA SCHROEDER, COLORADO, CHAIRWOMAN
GERRY SIKORSKI, MINNESOTA CHARLES PASHAYAN, JR., CALIFORNIA
MERVYN M. DYMALLY, CALIFORNIA FRANK HORTON, NEW YORK

U.S. House of Representatives
COMMITTEE ON POST OFFICE AND CIVIL SERVICE
SUBCOMMITTEE ON CIVIL SERVICE

122 CANNON HOUSE OFFICE BUILDING

Washington, DC 20515

TELEPHONE (202) 225-4025

Ellingwood is engaged in a private business that deals in oriental imports. During his two years at the MSPB he has taken two trips to the far east, one in 1982 for three weeks (at White House expense, we were told), the other for nine days in early 1984 (no one knows who paid for that one). Maybe the coincidence is innocent, but it bears checking. Furthermore, thousands of dollars worth of overseas FTS calls are being placed from the Chairman's telephone. Unfortunately, the computer printout of all FTS calls from GSA does not identify called country, but the need for any overseas calls is not apparent.

11/22/74 LAT

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HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/clid

Reagan Aide Reported in Line for Judgeship

**Governor Has Made Confidential Inquiry
to State Bar About Post, Paper Says**

SACRAMENTO (UPI)—The State Bar has been asked for a confidential opinion by the Reagan Administration on whether it would support the nomination of aide Herbert Ellingwood for the 3rd District Court of Appeal, it was reported Thursday.

The Sacramento Union said the unusual step was taken because of Ellingwood's lack of prior judicial experience. The bar earlier this year strongly opposed the nomination of another attorney with no previous experience on a court bench.

Gov. Reagan is expected to withdraw consideration of Ellingwood, the governor's legal affairs secretary, if the bar's board of governors is heavily opposed to the nomination, the Union said.

Reagan press aide Clyde Walthall said he could neither confirm nor deny the story.

Last spring Reagan nominated John C. Vukasin Jr. to the 1st District Court of Appeal and immediately ran into opposi-

tion from the legal community.

At the time, Vukasin was a member of the state Public Utilities Commission and had not served on the bench. Bar President Brent Abel strongly criticized Reagan for the appointment.

A month later the governor withdrew the nomination, charging "certain people for their own purposes have generated unwarranted controversy over the nomination."

This fall Reagan named Vukasin to the Alameda County Superior Court, a move that produced little opposition.

Ellingwood, 43, has been Reagan's top legal expert for nearly five years. A graduate of Stanford University law school, Ellingwood served as a deputy district attorney in Alameda County for six years before becoming legislative representative for the bar in 1966.

The new vacancy in the 3rd District court will not occur until Dec. 2, when Presiding Justice Frank Richardson moves up to the state Supreme Court.



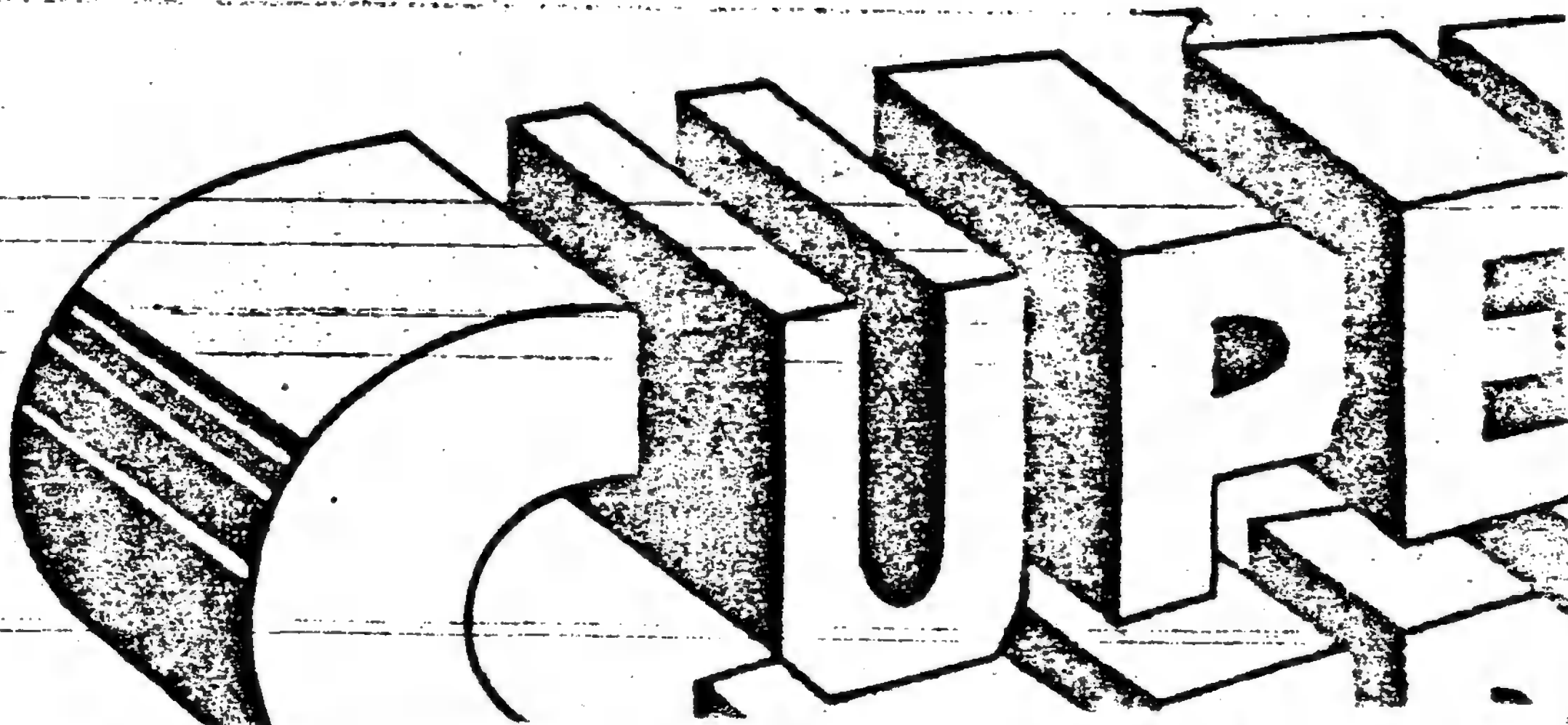
ROUNDUP—Motorist Jim Crowell strays back to their pasture near

Eight Accused of M

A reputed stock fraud specialist was among eight persons indicted by a San Diego federal grand jury Thursday on charges relating to manipulation of stock of the La Jolla-based Patterson Corp.

Charged in the 11-count indictment is Dalton

Smith, 70, ties to New crime was charged masterman swindle of ego banks. Also charged person case Anderson.



Selling wood Harbush

Reagan Picks Two Aides, Transfers Another One

Two new aides have been named to Gov. Ronald Reagan's staff, one to oversee legal affairs and the other to handle gubernatorial appointments.

In disclosing he has selected Herbert Ellingwood as his legal affairs secretary and Edward B. (Ned) Hutchinson as appointments secretary, the governor also announced he has released a cabinet secretary to serve as aide to Lt. Gov. Ed Reinecke.

Winfred W. Adams, 51, who has been Reagan's cabinet secretary for 16 months, will join the Reinecke staff as the lieutenant governor's executive assistant.

Tells of Plans
Reagan, in announcing Adams' new duties to the governor's council yesterday afternoon, said the administration's "some far-reaching plans for cooperation and learning of two offices" of governor and lieutenant governor.

Ellingwood, 37, a former deputy district attorney inameda County, has been the State Bar's bylist in Sacramento since 6. He will succeed Edwin

Meese III as legal affairs secretary. Meese will step up to the post of executive secretary on Reagan's staff, effective Feb. 1, when the present executive secretary, William Clark, will quit to become a San Luis Obispo County Superior Court judge.

Hutchinson, 38, will succeed

Paul Haerle in the appointments post. Haerle is resigning to return to private law practice in San Francisco. The governor said Haerle had warned him when he joined the staff that he could only serve for a limited time.

Hutchinson has been a special

assistant to the governor, occupied with implementation of Reagan's task force survey on efficiency and cost control in state government.

Reagan said Haerle was leaving and Hutchinson was stepping into "probably the most thankless job" in state government.



Ned Hutchinson



Herbert E. Ellingwood



Sen. Fred Marler



Herbert E. Ellingwood

Ellingwood Will Work With Younger

Herbert Ellingwood, legal affairs secretary to Gov. Ronald Reagan, will work for Attorney General Evelle Younger after the start of the year.

Ellingwood, who had been a candidate for an opening on the 3rd District Court of Appeal, will become an assistant attorney general. A source who confirmed reports of the job said he does not know what duties will be assigned to Ellingwood.

Last month in an unusual break with his past practices, Reagan sent Ellingwood's name to the Board of Governors of the State Bar for an evaluation as an appellate court justice. In the past, Reagan has sent names of prospective trial court judges to the State Bar but refused to let the Board of Governors consider prospective appellate court nominees.

There was opposition to Elling-

wood from the Sacramento County Bar Association which contended that appellate court judgeships should be reserved for persons with trial court experience.

Reagan has only a month remaining in office and must act soon if his nominee to the 3rd District Court of Appeal is to be confirmed before Gov.-elect Edmund G. Brown Jr. takes over. The time remaining is so short that a controversial nominee probably would not have time to get through hearings by the Commission on Judicial Appointments.

With Ellingwood now out of consideration, a name heard frequently in discussions about the appellate court opening is that of Sacramento County Superior Court Judge Joseph DeCristoforo. Originally appointed to the Superior Court by Reagan, DeCristoforo has become a respected judge with attorneys who practice before him, including Democrats.

When he leaves office, Reagan will have appointed three of the five justices at the 3rd District Court.

Two GOP Stalwarts May Get Court Seats

The appointments of two Republican stalwarts to sought-after seats on the 3rd District Court of Appeal appear to be in the immediate offing.

Herbert E. Ellingwood, legal affairs secretary to Gov. Ronald Reagan, and Sen. Fred Marler, R-Shasta County, appear earmarked by Reagan for nomination to the bench.

Legislative Action

The 1973 legislature adopted a measure to add two more judgeships in the sprawling 23-county 3rd district, which encompasses most of Northern California. The district now has four justices.

Marler, GOP floor leader and a member of the upper house since 1965, practiced law in Redding prior to his election. Marler is leaving the Senate because his pre-

vious district was drastically altered in last year's reapportionment.

Possible Controversy

The nomination of Ellingwood could spark some controversy. According to one source, Reagan advisers were divided on the advisability of naming two associate justices with political backgrounds.

Ellingwood, however, has strong support among the governor's staff and is reported about to get the nomination.

Both nominees would have to be approved by the Commission on Judicial Appointments, comprised of Donald R. Wright, the chief justice of California, Atty. Gen. Evelle J. Younger and the presiding justice of the district concerned, in this case Justice Frank W. Richardson.

The State Bar of California Board of Governors (1974)

Seth M. Hufstedler, President (Los Angeles)

Michael DiLeonardo, Vice President (Sunnyvale)

Joanne M. Garvey, Vice President (San Francisco)

Henry H. Kilpatrick, Vice President and Treasurer (Vallejo)

Mark P. Robinson, Vice President (Los Angeles)

John S. Malone, Secretary (San Francisco)

Brent M. Abel (San Francisco)

David S. Casey (San Diego)

Joseph W. Cotchett (San Mateo)

Arthur N. Hews (Santa Ana)

Clayton R. Janssen, Jr. (Eureka)

George R. Hillsinger (Los Angeles)

Stuart L. Kadison (Los Angeles)

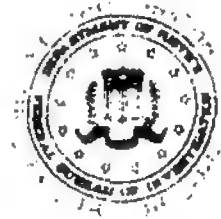
Wm. Shannon Parrish (Oakland)

E. Dean Price (Modesto)

Howard B. Wiener (West Covina)

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld



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Third Party

TO: DIRECTOR, FBI
(ATTENTION: ROOM 5161)

FROM: SAC, WFO 161B- 14852

SUBJECT: Herbert Eugene Ellingwood

SPIN

BUDED: 7/10/85 RE: Bu alt/ 7/23/85

The following investigation was conducted by the persons indicated on the dates indicated:

On 8/5/85 WFO received the enclosed letter from MSPB with toll records attached. There is no apparent evidence of abuse of telephone by appointee. WFO making case P* to await records for 10/84 and 4/85.

UACB WFO will not request the phone company to identify all numbers called by appointee in Encl. #2

● FBIHQ
① WFO

Encl 4 ^{one letter} w/ 3 encl

Searched _____

Serialized elb

Indexed _____

Filed elb

AUG 7 1985



U.S. MERIT SYSTEMS PROTECTION BOARD
Washington, D.C. 20419

AUG 2 1985

Mr. Kenneth Shuey
c/o Federal Bureau of Investigation
1900 Half Street, S.W.
Eighth Floor
Washington, D.C. 20535

Dear Mr. Shuey:

I am coordinating the response to your request for Chairman Ellingwood's phone records.

The Board possesses 2 types of records which identify calls made on or charged to the numbers on Chairman's phone console. Those numbers are 653-7101, 653-7102, 653-7104 and 653-7114. (The last number, while on the Chairman's console, is the primary phone for Ms. Joyce Keith, Special Assistant to the Chairman). The Board also possesses one type of record that, identifies calls charged by the Chairman to his Board credit card.

The first type of the record which identifies calls made on or charged to the numbers on the phone console is entitled General Services Administration Customer Billing Contract Request for SIBAC. Those monthly reports are appended hereto as Attachment I. Pursuant to General Records Schedule 12 (see 41 C.F.R. Chapter 101 and, more specifically, Federal Property Management Regulations 101-11-4, a copy of which is appended to Attachment I), this type of record is destroyed when it is one fiscal year old. Therefore, except as noted below, these monthly reports start in October 1983 and continue through to the last report we have received which is for May 1985. There are, however, two exceptions. We have not located the reports for October 1984 and April 1985 and have requested copies of them from the National Finance Center of the Department of Agriculture which handles the Board's administrative payments. In addition, the Board's files had accidentally retained 5 monthly reports which are more than one fiscal year old. They, too, are appended to Attachment I.

In analyzing these SIBAC reports, you should note that the cover sheet, in the second column, contains a charge for toll calls on non-FTS lines which is entitled "Tolls." Where there is a charge for "Tolls," we have appended the itemization of toll calls by "billed number." You will find that only in September of 1984 were there any toll calls for which any of the lines on the Chairman's console was the billed number. In that month, 653-7101 was billed for two collect calls (one from area code 206 and one from area code 919). In fiscal year 1984, these SIBAC reports were circulated for explanations of the charges (a practice which was discontinued in FY 85, when the Board contracted with the National Finance Center to handle its administrative payments). When the September, 1984 SIBAC report was circulated, no one on the Chairman's staff could identify those two calls. In checking on these calls, at that time, it was determined that the first, which had been placed on July 17, 1984, originated from the Thunderbird Motor Inn in Longview, Washington and the second, on August 2, 1984, from a phone booth at a Texaco station on Interstate 85 in Mebane, N.C. The Chairman's log indicates that he was not in the office on August 2, 1984, and that he was probably out of the office at the time of the July 17, 1984 call.

The second of the records which identifies calls made on or charged to the numbers on the Chairman's phone console is entitled AMA Recorded Message Report. Hard copies of the revelant portions of these monthly microfiche reports are appended hereto as Attachment II. These microfiche reports represent a 20% sampling of FTS calls. They are provided by GSA and are explained, or referred to, in GSA bulletins FPMRF-150 and 12 which are appended to Attachment II. The first microfiche report we received covered March 1984 and the last covered November 1984. We have not yet received any later reports since there is an almost nine month time lag in receiving these reports.

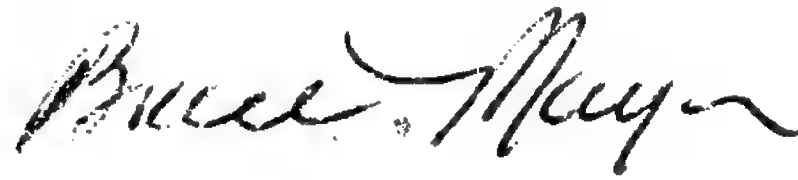
In addition to those records, Attachment III contains the billings made on the Chairman's credit card (Calling Card 202-150-4554). These billings are for FY 1984; but note that there is no billing for June, 1985 since the Chairman placed no credit card calls in that month. In FY 1985, the Board shifted to the National Finance Center for its administrative payments. The National Finance Center was instructed pay all charges for credit card calls and not to provide copies of those billings to the Board unless the toll charges exceeded \$400 in any given month; an event which has not occurred. A copy of that

-3-

instruction entitled Transmittal - Telephone and Utilities (see Box 27) is appended to Attachment III. In addition, a copy of a document entitled Check Control which indicates that, in FY 1984, the Chairman identified a credit card call made on 11/30/83 as personnel and reimbursed the Board accordingly, is also appended to Attachment III.

If I can be of any further assistance, please call at 653-7162.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bruce Mayor".

Bruce Mayor
Deputy General Counsel

Attachments



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

ACCOUNTING AND FINANCIAL
MANAGEMENT DIVISION

B-214210

June 6, 1984

The Honorable Patricia Schroeder
Chairwoman, Subcommittee on Civil
Service
Committee on Post Office and
Civil Service
House of Representatives

Dear Madam Chairwoman:

Subject: Inquiry Into Allegations Against the Chairman,
Merit Systems Protection Board (GAO/AFMD-84-65)

Pursuant to your request of January 26, 1984, we reviewed the anonymous allegations you received regarding travel and leave activities of Herbert E. Ellingwood, Chairman, Merit Systems Protection Board, (MSPB). We also included in our review an allegation received over the GAO hotline concerning Mr. Ellingwood's use of a vehicle for home-to-work transportation. Our review covered the period December 18, 1981, when Mr. Ellingwood became Chairman, through February 23, 1984. We reviewed the Chairman's travel orders and travel vouchers, and conducted numerous interviews with MSPB officials.

Our work disclosed the following.

- During the time period reviewed the Chairman received thirty honorariums for speeches made to religious groups. Receipt of seven honorariums coincided with official travel, but in each instance, the speeches were made while he was on his personal time or on a leave of absence. The Chairman did not receive any honorariums for speeches made while conducting official business.
- The Chairman made five trips to California while on official travel; on all five of the trips he conducted official government business.
- The Chairman has made no attempt to cover-up the nature of his travel.

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Third Party

SSA [redacted] advised on 8/8/85
that he would not be opening
a corruption case. *pub*

AUG 9 1984

1618-19852-23

SEARCHED	INDEXED
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AUG 8 1984	
FBI-WASH FIELD OFFICE	

(911576)

- The MSPB's travel expenses for a January 1984 management conference could have been about \$9,900 less if the conference had been held in Washington, D.C., instead of San Francisco, California. The MSPB's rationale for the site selected is given below.
- The Chairman's trips to China were for personal reasons and at no cost to the government.
- The Chairman uses a chauffeured government vehicle for home-to-work transportation notwithstanding the provisions of 31 U.S.C. 1344, which establish such transportation as non-official. However, under a GAO decision dated June 3, 1983, the Chairman can continue such use until the end of the current session of Congress.
- MSPB appropriations were augmented when the New York Life Insurance Company paid the Chairman's lodging costs while he was visiting MSPB's New York Regional Office. Upon learning of a possible augmentation problem, the Chairman reimbursed the insurance company for the entire lodging costs.

The details of our review follow.

HONORARIUMS RECEIVED

It was alleged that the Chairman misused travel monies by taking official trips for the primary purpose of making speeches and receiving honorariums. We found that the Chairman took nineteen official trips where travel orders and travel vouchers were prepared during the period December 18, 1981, through February 23, 1984.^{1/} We were provided justification for each of the trips. On five of the trips, the Chairman received seven honorariums for speeches made to religious organizations (see encl. I). However, each speech was made while the Chairman was on a leave of absence or during his personal time. (An officer or employee of an agency may accept honorariums while on personal business as long as each honorarium does not exceed \$2,000, excluding expenses; and as long as the activity does not raise a conflict of interest.)

In addition, the Chairman received twenty-three other honorariums for similar speeches which were not made in conjunction with official travel. Again we determined that all the speeches were given during his personal time, or while on a leave of absence (see encl. II). Finally, we determined that the Chairman

^{1/}The Chairman determined in August 1983 that a June 1982 trip to Chicago was more personal than business, and repaid the government the \$280.29 he had been reimbursed for this trip.

made similar speeches on nine other occasions and while he did not receive honorariums, he was reimbursed for lodging and/or transportation expenses (see encl. III).

As a political appointee, the Chairman is exempt from the Annual and Sick Leave Act (5 U.S.C. 6301 (2)(x)); he is on call at all times and works whatever hours are necessary to meet his official responsibilities. The Chairman enjoys complete freedom to absent himself from duty as he sees fit. Thus, while on official travel the Chairman may determine hours for official work and for personal business that meet his needs. Our review showed that during calendar year 1982, the Chairman took a leave of absence on forty-nine workdays. In calendar year 1983 he took a leave of absence on twenty-nine workdays and during the period January 1, 1984 to February 23, 1984, he took a leave of absence on nine workdays.

TRIPS MADE TO CALIFORNIA
WHILE ON OFFICIAL TRAVEL

It was alleged that the Chairman traveled to California several times to conduct personal business at government expense, and that he was spending "many Mondays" in California conducting prayer meetings. Since the allegation was made anonymously, we could not follow it up to determine the significance of the involvement of Mondays in the allegation. Our review showed that the Chairman visited California on five of the nineteen occasions while on official travel and that three of the trips included Mondays.^{2/}

According to MSPB officials, the five trips to California were necessary because of conditions in the San Francisco Regional Office. The former director of the San Francisco Regional Office resigned shortly before the Chairman took office, in December 1981, and a number of acting regional directors had been directing office operations. MSPB cases were not being processed in a timely manner and there were difficulties with the performances of both the former and current administrative officers. MSPB provided the following descriptions of the Chairman's business agendas during each trip:

March 1982	--conferred with Acting Regional Director.
April 1982	--met with new Regional Director and staff, and with General Services Administration regarding office space problems.

^{2/}A travel voucher for a June 1982 trip to Chicago mentions another trip to California that the Chairman made on his own time and at his own expense. He received two honorariums while in California on this trip.

January 1983 --discussed case tracking, case backlog, and office space issues.

September 1983 --performed a management review of the office with the Managing Director and Executive Assistant.

January 1984 --attended MSPB management seminar in San Francisco, in conjunction with the regional directors meeting.

ALLEGED COVER-UP OF TRAVEL

It was alleged that the Chairman attempted to cover-up the nature of his trips after congressional investigators inquired about his travel in April or May 1983. We contacted the congressional office involved and found that the office had received allegations involving the Chairman's travel activities. The allegations were similar to those received by GAO. The congressional staff said that their review did not disclose any irregularities in the Chairman's travel. Our review did not disclose any attempts to cover-up the nature of the Chairman's trips.

REGIONAL DIRECTORS MEETING/MANAGEMENT CONFERENCE HELD IN SAN FRANCISCO, CALIFORNIA

It was alleged that the Board spent thousands of dollars to send more than a dozen headquarters officials to California for a management conference when the same meeting could have been held in Washington, D.C., at little or no cost. We found that the MSPB did hold a Regional Directors Management Conference in San Francisco, California, on January 26 and 27, 1984. Twenty-seven employees attended the conference; sixteen were from Washington, D.C., and eleven were from each of MSPB's eleven regional offices.

MSPB officials provided the following explanation and documentation for having the conference in San Francisco:

--The past pattern was to bring regional participants to the Washington, D.C. area for the conferences. (Reston, Virginia, in August 1982; Leesburg, Virginia in December 1982; and Emmitsburg, Maryland in October 1983). The MSPB scheduled this activity in San Francisco because they wanted to hold some of the conferences in regional offices. They scheduled San Francisco for January 1984, Boston for May 1984 and Chicago for August 1984. However, the proposed Boston conference was held in Washington, D.C. and the Chicago conference has been cancelled.

--The reason for the sixteen headquarters participants was because the San Francisco regional directors' conference was expanded to include headquarters managers who had attended a planning workshop held in conjunction with the October 1983 Emmitsburg regional directors meeting. Documentation provided by the MSPB showed that the workshop was not completed and was continued in San Francisco to provide regional directors an opportunity to have input into plans and goals for the next twelve to eighteen months.

MSPB spent \$13,520 on travel expenses to hold the conference in San Francisco, California. Using the General Service Administration's transportation and per diem rates, we determined that if the conference had been held in Washington, D.C., the travel cost would have been about \$3,640, or about \$9,900 less than the travel expenses for the San Francisco conference.

TRIPS TO CHINA

It was alleged that the Chairman may have taken personal trips to China at government expense. We found that the Chairman made two personal trips to China, one from October 30, 1982, to November 18, 1982, and the second from February 8, 1984, to February 19, 1984. We determined that the Chairman took a leave of absence on those dates and that no travel orders or travel vouchers were processed for either trip. The government, therefore, did not incur any expenses.

MISUSE OF GOVERNMENT VEHICLE

It was alleged that the Chairman has a government driver pick him up at his home in the morning and take him home from work at night in a government vehicle.

We found that the Chairman does use a government driver and vehicle for home-to-work transportation and that this is prohibited by 31 U.S.C. 1344. However, the Chairman is within the purview of a GAO Comptroller General decision (B-210555), dated June 3, 1983, entitled, "Use of Government Vehicles for Transportation Between Home and Work," which notes that there is some uncertainty throughout the government about who may receive home-to-work transportation in spite of the statutory prohibition against using such transportation. The decision states in part:

"Because so many agencies have relied on apparent acquiescence by the Congress during the appropriations process when funds for passenger vehicles were appropriated without imposing any limits on an agency's discretion to determine the scope of "official business,"

and because dicta in GAO's own decisions may have contributed to the impression that use of cars for home-to-work transportation was a matter of agency discretion, GAO does not think it appropriate to seek recovery for past misuse of vehicles, (except for those few agencies whose use of vehicles was restricted by specific Congressional enactments). This decision is intended to apply prospectively only. Moreover, [in order to allow the Congress time to review the matter] GAO will not question such continued use of vehicles to transport heads of non-cabinet agencies and the respective seconds-in-command of both cabinet and non-cabinet agencies until the close of this Congress."

GAO considers the Chairman to be an agency head. Therefore, there is no need to institute recoupment action against the Chairman prior to the close of the current Congress. However, this "moratorium" on recoupment for agency heads and their respective principal deputies does not mean that the GAO believes such transportation is proper under the present law.

AUGMENTATION OF MSPB's APPROPRIATIONS

During a March 23-25, 1982, business trip to MSPB's New York Regional Office the Chairman, as part of his official duties, delivered a speech on March 24, 1982, a Wednesday morning, before a group of New York Life Insurance Company executives. New York Life Insurance Company paid the Chairman's lodging costs of \$310.25 for March 23 and 24. The Chairman did not receive any additional monies. Generally, donations from private sources, either in cash or in kind, for official travel to conduct government business constitutes an augmentation, unless the employing agency has statutory authority to accept gifts. MSPB does not have that authority. We concluded that the payment by the New York Life Insurance Company was an improper augmentation of MSPB's appropriations.

Specifically, the MSPB's appropriations were augmented by the amount that the agency was obligated to pay for the Chairman's March 23 and 24, 1982, expenses. For these days the government was authorized to pay for the Chairman's actual subsistence expenses while in New York, including meals and lodging costs, not to exceed \$75 per day. For the two days the Chairman claimed and was reimbursed \$25 in meal expenses, but claimed nothing for lodgings. Since the MSPB must pay for the official travel of its Chairman, these hotel costs should not have been paid by the New York Life Insurance Company and their paying the hotel bill had the effect of augmenting MSPB's appropriation by the amount the

Chairman could have claimed as reimbursement or \$125 [(2 x \$75) - \$25]. However, on April 24, 1984, the Chairman sent a check for \$310.25 to the New York Life Insurance Company with a letter explaining that the company had inadvertently augmented MSPB's budget allocation. Since the Chairman returned the full amount paid by the New York Life Insurance Company, the appropriation augmentation no longer exists and he now can make a claim against the government under 5 U.S.C. 5702, for the actual subsistence expenses totaling \$125. Because of travel expense limitations imposed on travel by federal employees, the Chairman must bear the excess cost of his lodgings in the amount of \$185.25 (\$310.25 - \$125).

We hope that this letter adequately addresses the allegations you received regarding Chairman Ellingwood. The contents of this letter were discussed with Chairman Ellingwood who concurred with these findings.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report for 10 days. At that time we will send copies to the Chairman, MSPB; Director of the Office of Management and Budget, and appropriate congressional committees; and make copies available to others upon request.

Sincerely yours,

Arthur R. Goldbeck for

Frederick D. Wolf
Director

Enclosures - 3

OFFICIAL TRIPS TAKEN BY THE CHAIRMAN AND EXPENSES CLAIMED

<u>Period of travel</u>	<u>Location of business^a</u>	<u>Meals and other expenses</u>	<u>Lodging expenses</u>	<u>Transportation expenses</u>	<u>Total cost to government</u>
2/18/82 - 2/18/82	Phildelphia Regional Office	\$ 17.25	none	\$ 90.00	\$107.25
3/5/82 - 3/7/82	San Francisco and Denver Regional Offices	102.14	none	340.00	442.14
3/23/82 - 3/25/82	New York Regional Office	70.25	none	63.00	133.25
4/23/82 - 5/2/82	San Francisco and Seattle Regional Offices	31.40	none	424.00	455.40
5/18/82 - 5/21/82	St. Louis and Dallas Regional Offices	19.35	75.00	361.00	455.35
∞ 6/3/82 - 6/9/82*	Chicago Regional Office (Stopped in San Francisco on personal business before going to Chicago)	7.79	54.50	218.00	280.29 ^b
6/15/82 - 6/15/82	Reston, Virginia to attend agency General Counsel Conference	6.00	none	6.00	12.00
8/8/82 - 8/10/82	Atlanta Regional Office	75.25	69.50	206.00	350.75
9/9/82 - 9/10/82	Boston Regional Office	5.23	69.77	101.00	176.00
12/9/82 - 12/10/82	New York Regional Office	42.63	65.87	80.00	188.50

^a All travel originated in Washington , D.C.

^b Mr. Ellingwood was reimbursed \$280.29 for the Chicago portion of this trip on November 30, 1982. He repaid the whole amount on August 5, 1983, because he believed the trip was more personal than business.

* Honorarium(s) received.

<u>Period of travel</u>	<u>Location of business</u>	<u>Meals and other expenses</u>	<u>Lodging expenses</u>	<u>Transportation expenses</u>	<u>Total cost to government</u>
1/13/83 - 1/18/83*	San Francisco and Chicago Regional Offices	59.40	none	none	59.40 ^c
4/15/83 - 4/18/83	Denver Regional Office	18.30	none	249.00	267.30
6/15/83 - 6/16/83	Harpers Ferry, West Virginia to attend OPM Conference	19.55	30.45	none	50.00
8/27/83 - 8/30/83*	Chicago Regional Office	38.18	56.73	164.00	258.91
9/10/83 - 9/14/83	San Francisco and Seattle Regional Offices	183.31	53.70	388.00	625.01
9/15/83 - 9/16/83	Philadelphia Regional Office	5.25	none	118.00	123.25
12/9/83 - 12/9/83	Boston Regional Office	11.00	none	142.00	153.00
1/7/84 - 1/9/84*	Atlanta Regional Office	25.25	38.88	178.00	242.13
1/25/84 - 1/28/84*	San Francisco Management Planning Seminar and Regional Directors meeting	34.00	none	338.00	372.00

^c On this trip Mr. Ellingwood stated he was on personal business, however, while in the two cities he visited the two regional offices. He claimed expenses associated with the visits. GAO determined that he is eligible to claim the expenses since they were valid expenses and business related.

▪ Honorarium(s) received.

LISTING OF HONORARIUMS

<u>Date</u>	<u>Location</u>	<u>Honorariums*</u>
May 29, 1982	Deptford, New Jersey	\$ 456
June 3, 1982	Sacramento, California	950**
June 6, 1982	Sacramento, California	500**
June 20, 1982	Roswell, New Mexico	1,500
October 13, 1982	Roseville, California	126
October 22, 1982	Northridge, California	451
December 3, 1982	Tulsa, Oklahoma	300
December 31, 1982	Laguna Hills, California	496
December 31, 1982	Laguna Hills, California	200
January 8, 1983	Naples, Florida	200
January 13, 1983	Turlock, California	500**
January 17, 1983	Fridley, Minnesota	502**
January 29, 1983	Houston, Texas	427
January 29, 1983	Seabrook, Texas	300
March 25, 1983	Missoula, Montana	200
April 10, 1983	Lanham, Maryland	25
June 5, 1983	Sacramento, California	1,000
July 3, 1983	Tulsa, Oklahoma	500
July 10, 1983	Honolulu, Hawaii	546
August 27, 1983	Fort Worth, Texas	1,000**
November 3, 1983	Naples, Florida	21
November 16, 1983	Los Gatos, California	436
December 2, 1983	Laguna Hills, California	150
December 2, 1983	Laguna Hills, California	200
December 4, 1983	Watsonville, California	100
December 4, 1983	Aptos, California	500
January 8, 1984	Jacksonville, Florida	2,000**
January 23, 1984	Pocomoke, Maryland	250
January 28, 1984	Novako, California	550**
February 11, 1984	Kaohsiung, Taiwan	2,000
Total		<u>\$16,386</u>

* An honorarium is a payment of money or anything of value received by an officer or employee of the federal government, if it is accepted as consideration for an appearance, speech, or article. It does not include payment for or provision of actual travel and subsistence, including transportation accommodations, and meals.

**Honorarium was received while the Chairman was on an official trip. However, the fees were received for weekend speeches or speeches made during a leave of absence.

OCCASIONS WHERE ONLY EXPENSES
WERE PAID BY PRIVATE SOURCES

<u>Date</u>	<u>Location</u>	<u>Lodging and/or transportation expenses</u>
March 19-21, 1982	Los Angeles, California (Joint Chinese University Association of Southern California)	\$ 650
June 19, 1982	Denver, Colorado (FGBMFI)*	650
July 3-9, 1982	Costa Mesa, California (FGBMFI)	500
July 27-28, 1982	Springfield, Missouri (Assemblies of God)	500
October 30- November 18, 1982	Trip to China**	2,600
March 29, 1983	Roswell, New Mexico (FGBMFI)	774
June 2, 1983	Auburn, California Forest Lake Christian School	399
August 17, 1983	Santa Ana, California Trinity Broadcasting Network	586
February 23, 1984	San Jose, Costa Rica Fellowship Foundation	633

* Full Gospel Business Men's Fellowship International

** Mr. Ellingwood represented the FGBMFI while overseas as their
International Director.

8-14-85

ROUTING SLIP

To: WFO (A-
From: Analyst

FBIHQ

SUBJECT: *Herbert Eugene Ellingwood*

SPIN
BUDED *Past (7-10-85)*

b6
b7C
Third Party

Please provide the following information or take the following action on captioned matter.

Disregard outstanding lead to obtain additional records of MSPB telephone calls per telephone call to SA

- Please 1. Surep by _____
2. Sutel by _____
3. Call me for clarification ASAP at x4228

Seen by

(initials)
(initials)

WFO file 161B-14852

*Make case 8/14/85
pull 8/15/85*

161B-14852-24

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 14 1985	
FBI-WASH FIELD OFFICE	

AUG 15 1985

b6
b7C
Third Party

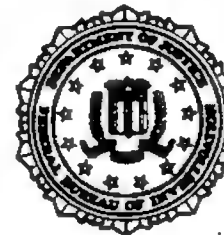
Memorandum

b6

b7C

Third Party

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-30-2007 BY AUC 60324/BAW/STP/cld



To : DIRECTOR, FBI
(ATTENTION: [REDACTED])

Date

ROOM 5161

8/15/85

From : SAC, WFO 161B-

14852

'B'

RUC

8/15/85

Subject :

SPIN
BUDED:

ROBERT EUGENE ELLINGWOOD

RE:

PAST

BUREAU TELCAL TO SA SHUEY

The following investigation was conducted by the persons indicated on the dates indicated:

On 8/15/85 Ellen Battistelli, legislative assistant to Congresswoman Patricia Schroeder, Committee on Post Office and Civil Service, Subcommittee on Civil Service, stated that as closely as she could tell, the letter concerning the allegations against the appointee was received in January of 1984. The letter was not dated and therefore the exact date could not be determined.

DESTROY: 10 YRS.

RETAIN:

161B-14852-25

Searched

Serialized eln

Indexed

Filed eln

1-FBIHQ
1-WFO

AUG 15 1985

ROY MARTIN BREWER

FOIPA # 1063060

[REDACTED] (LA) (FBI)

From: [REDACTED] (LA) (FBI)
Sent: Thursday, February 28, 2008 9:31 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual Search Request . . . ROY MARTIN BREWER

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning/afternoon !

All the Los Angeles references re ROY MARTIN BREWER, not destroyed, are in the mail to you.

[REDACTED]
From: [REDACTED] (RMD) (FBI)
Sent: Friday, February 15, 2008 9:51 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Manual Search Request LA & WFO 1063060 & 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Yes. On the way.

[REDACTED]
Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist
(540) [REDACTED]

From: [REDACTED] (LA) (FBI)
Sent: Friday, February 15, 2008 12:48 PM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual Search Request LA & WFO 1063060 & 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Can you go to the fax, I'll send it right now ?

From: [REDACTED] (RMD) (FBI)
Sent: Friday, February 15, 2008 9:46 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Manual Search Request LA & WFO 1063060 & 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

(540) [redacted]

b6
b7C

[redacted]

Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist

(540) [redacted]

From: [redacted] (LA) (FBI)
Sent: Friday, February 15, 2008 12:45 PM
To: [redacted] (RMD) (FBI)
Subject: RE: Manual Search Request LA & WFO 1063060 & 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Ohhhhhh no!

What is your fax #, I'll fax you a copy of the cards.

Good thing it's Friday!!!!

From: [redacted] (RMD) (FBI)
Sent: Friday, February 15, 2008 9:42 AM
To: [redacted] (LA) (FBI)
Subject: RE: Manual Search Request LA & WFO 1063060 & 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I regret to tell you this, but I need to call all reference files. How many are there?

[redacted]

Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist

(540) [redacted]

From: [redacted] (LA) (FBI)
Sent: Friday, February 15, 2008 11:53 AM
To: [redacted] (RMD) (FBI)
Subject: RE: Manual Search Request LA & WFO 1063060 & 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning !

A search of the Los Angeles manual indices re **NEIL REAGAN** is negative.

A search re **ROY MARTIN BREWER** revealed no main files but numerous

references.

b6
b7C

[Redacted]

From: [Redacted] (RMD) (FBI)
Sent: Friday, February 15, 2008 7:14 AM
To: [Redacted] (LA) (FBI); [Redacted] (WF) (FBI)
Subject: Manual Search Request LA & WFO 1063060 & 1017395
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We are currently working on litigation cases that involve several field offices. Manual searches need to be done on the following subjects at your earliest convenience. Thanks for your help!

Subject: Neil Reagan
He is the older brother of the late Ronald Reagan
DOD: December 11, 1996

Subject: Roy Martin Brewer
DOB: 1901 Nebraska
DOD: September 16, 2006

[Redacted]

Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist
(540) [Redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

ROY MARTIN BREWER

Los Angeles references enclosed:

62-2837- 838

62-3084- 57

" 58

" 85

62-2484-182

62-3093- 57

100-15732-537

" 551

" 649

" 718

" 754

" 765

" 852

" 940

" 1340

" 1934

" 2084

" 2714

100-15732B-1002

" 1259

" 1509

" 1835

" 2028

100-20360-55

100-22183-13

100-23721-16

100-44774-360

100-46411-9

100-46832-5

100-47307-1a2

100-53004-62

~~66-2927~~ dest
 100-15732-551 BREWER, ROY M.
 62-2837-838
 100-23721-16
 100-23721-16 p.29
 100-23548-224
 100-15732B-1002
 100-15732-537
 100-21509-59
 100-18906-1a949
 94-250-773 p.140
 94-250-717 p.81
 100-20360-55
 100-15732-649 p.8
 100-15732-718 p.26
 100-15732-754/1340
 100-15732-765
 62-3093-57
 100-15732-940 p.6/852
 100-22183-13
 100-15732-B-1259
 62-3084-57
 65-1546-22
 62-3084-85
 100-15732B-1509
 94-250-819 p.50
 62-3084-85
 94-250-819 p.50

~~66-2927~~ 1/51 dest BREWER, ROY M.
 62-3084-58
 80-0-488/A 3/50 100-47307-1a2 11/54
 80-232-240 1/53 100-44774-360 11/54
 92-0-14 5/54 (carpenter) President, Hollywood Motion
 66-3400-12 12/51 Picture Alliance
 100-15732-1934 p.21 6/51
 100-1763A-996 6/51
 100-15732B-2028 7/52
 100-15732-2714 8/52
 100-46832-5 1/54 (Allied Artists)
 100-46411-9 8/53
 134-275A-90A 8/53

Dest.
~~66-2927~~ * Jan. 1951 BREWER, ROY M.
 100-15732-2084 Sept '51
 100-15732B-1835 July '51
 80-232-195 11/51
 62-2484-182 7/53
 94-419-46 10/53
 62-2017-1B12
 p.485 10/55
 100-53004-62 7/56

00-74856-1 1/70 BREWER, ROY

RE: COMMITTEE TO STOP
 WORLD WAR III

HERBERT ELLINGWOOD

FOIPA # 1049408

b6
b7C

[redacted] (LA) (FBI)
From: [redacted] (LA) (FBI)
Sent: Monday, November 20, 2006 10:23 AM
To: [redacted] (RMD) (FBI)
Subject: RE: FOIA request/ Herbert E. Ellingwood

UNCLASSIFIED
NON-RECORD

Hi [redacted]
The LA file, 161B-5224 is in the mail to you.

[redacted]

-----Original Message-----

From: [redacted] (RMD) (FBI)
Sent: Friday, November 17, 2006 8:11 AM
To: [redacted] (LA) (FBI)
Subject: RE: FOIA request/ Herbert E. Ellingwood

UNCLASSIFIED
NON-RECORD

[redacted]

Thank you for your help in this matter. I do need the 161B-LA-5224 file. Will you send it to me at:
FBIHQ ROOM 1210
C/O [redacted]
ARC/ BUILDING 841

I have attached a Field Office Request Form with this email. Will you fill out the Field Office Portion of the slip and mail it along with the file. Can you also email me and let me know when the file has been sent.

<< File: WF [redacted].wpd >>

Thanks.

[redacted]

-----Original Message-----

From: [redacted] (LA) (FBI)
Sent: Thursday, November 16, 2006 4:22 PM
To: [redacted] (RMD) (FBI)
Subject: RE: FOIA request/ Herbert E. Ellingwood

UNCLASSIFIED
NON-RECORD

Hi [redacted]
I'll be glad to help you, just let me know what you need.

[redacted]

-----Original Message-----

190-C2-2760/A

From: [redacted] (RMD) (FBI)
Sent: Thursday, November 16, 2006 1:12 PM
To: [redacted] (LA) (FBI)
Subject: FOIA request/ Herbert E. Ellingwood

b6
b7C

UNCLASSIFIED
NON-RECORD

[redacted]

I am now handling the FOIA request that is mentioned in the subject above. Pasted below is an email between [redacted] who was the previous LAS and [redacted]

Good Afternoon [redacted] A search of the manual indices revealed one cross-reference responsive to subject and file is not available. A search of ACS revealed a 161B-5224 main file consisting of one volume totalling approximately 30 pages.

[redacted]

Do you have access to the 161 file?

Thank you,

[redacted]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Seth Rosenfeld
P.O. Box 421,892
San Francisco, CA 94142-1892

May 8, 2006

Via Certified Mail

FBI - FOIA OFFICE
Suite 1700, FOB
11000 Wilshire Boulevard
Los Angeles, California 90024-3672

Re: FOIA Request - Herbert E. Ellingwood (deceased)

Dear FOIA Officer,

This is a request pursuant to the Freedom of Information Act, 5 U.S.C., as amended, for any and all records in any way concerning the late Herbert E. Ellingwood, also known as Herb Ellingwood. I have enclosed documentation of his death for your reference.

Mr. Ellingwood's SSN is 726-09-4567. He was born on or about March 5, 1931, in Colorado. He died on March 8, 1989.

Please bear in mind that Mr. Ellingwood was a public figure, serving in the California state government and later in the federal government. This, along with the fact that he is deceased, weighs in favor of releasing all responsive information concerning him.

If other public figures are referenced in the responsive pages, please release that information as well, as it serves the public interest. For your reference, such public figures may include Ronald Reagan, the late president; Alex Sherriffs, a deceased California state official; and other elected and appointed public officials.

As a preliminary matter, please advise me as to whether any of the records concerning Mr. Ellingwood have been previously processed. Please advise me as to this as soon as possible, as the availability of preprocessed records may save both the FBI and me time and expense in processing of records.

Sent to HQ

190-C2-2760

Please understand that I want any and all records, including but not limited to all main files, all see references, Do Not File Files, channelized records, search slips, including search slips used to process this request, ELSUR records, index cards, records that are or were maintained in SAC safes, and bulky exhibits.

Please be sure to search using a six-way breakdown on his name and an "all references" check of all indices, both automated and manual, active and inactive, for any and all records concerning Mr. Ellingwood in any way.

Please be sure to release all responsive see references. For see references of five pages or less, I am requesting the entire see reference document. For see references of more than five pages, please release all administrative pages, the first five pages of the body of the document, and three pages on either side of each reference to Mr. Ellingwood.

Please process all records identifiable with my request, even though reports based on those record may have been sent to FBI headquarters or other FBI offices, and even though there may be duplication between sets of files.

Please produce all records with their administrative markings intact, and make sure that all reports, memos and documents to include any and all administrative pages.

Please release all pages, regardless of the extent of excising, even if all that remains are stationery headings and administrative markings.

In excising material, please black out rather than white out or cut out material.

If you withhold any information, please release all reasonably segregable portions of the records that are not exempt.

Please be sure that all records are fully legible, including all administrative markings, file numbers, handwritten notations and marginalia.

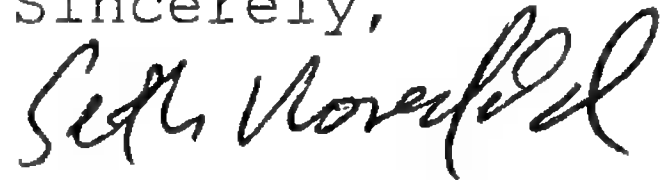
This letter constitutes my commitment to pay fees of up to \$200 for these records, and I therefore ask that you proceed with my request immediately. However, I believe

that releasing the records will primarily benefit the general public by shedding light on important government operations, and I reserve my right to pursue a fee waiver at a later date.

I look forward to your prompt response.

Thank you for your help.

Sincerely,

A handwritten signature in cursive script, appearing to read "Seth Rosenfeld".

Seth Rosenfeld

Enc.

[redacted] (LA) (FBI)
From: [redacted] (RMD) (FBI)
Sent: Tuesday, July 18, 2006 10:49 AM
To: [redacted] (LA) (FBI)
Subject: RE: HERBERT EUGENE ELLINGWOOD

UNCLASSIFIED
NON-RECORD

Thank you very much.

-----Original Message-----

From: [redacted] (LA) (FBI)
Sent: Tuesday, July 18, 2006 1:31 PM
To: [redacted] (RMD) (FBI)
Subject: HERBERT EUGENE ELLINGWOOD

UNCLASSIFIED
NON-RECORD

Good Afternoon [redacted] A search of the manual indices revealed one cross-reference responsive to subject and file is not available. A search of ACS revealed a 161B-5224 main file consisting of one volume totalling approximately 30 pages.

[redacted]

UNCLASSIFIED

UNCLASSIFIED

[REDACTED] (LA) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Tuesday, July 11, 2006 5:15 AM
To: [REDACTED] (LA) (FBI)
Cc: [REDACTED] (LA) (FBI); [REDACTED] (LA) (FBI); [REDACTED]
[REDACTED] (LA) (FBI); [REDACTED] (RMD) (FBI)
Subject: Manual Search requested

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I have a FOIA request for the LA Field Office regarding Herbert E. Ellingwood. The following is the information that I have:

AKA: Herb Ellingwood
Herbert Eugene Ellingwood
DOB: 03/05/1931
POB: Colorado
DOD: 03/08/1989
SSN: 726-09-4567

Will you please search your records and let me know if you locate a file(s) for him? If you do locate a file(s), will you please give me an approximate number of pages in the file(s). Thank you very much.

Should you have any questions, please don't hesitate to contact me.

[REDACTED]
RMD-Winchester
540 [REDACTED]

SENSITIVE BUT UNCLASSIFIED

RESPONSE
SENT 7/18/06

To: Administrative Officer

Date <u>7/12/06</u>		
Requested by:		
Ext.	Squad	File No.
Subject <u>HERBERT E. ELLINGWOOD</u>		Social Security Account # <u>726-09-4567</u>
Aliases <u>HERB ELLINGWOOD; HERBERT EUGENE ELLINGWOOD</u>		
Address	Birth Date <u>3-5-31</u>	Place of Birth <u>COLORADO</u>
		Race
		Sex <input type="checkbox"/> Male <input type="checkbox"/> Female

Telephone #'s

<input type="checkbox"/> Exact Spelling	<input type="checkbox"/> Main Criminal Case File Only	<input type="checkbox"/> Restrict Locality of
<input type="checkbox"/> All References	<input type="checkbox"/> Criminal References Only	
<input type="checkbox"/> Main Security Case Files Only	<input type="checkbox"/> Main Security (If no Main, list all Security References)	
<input type="checkbox"/> Security Reference Only	<input type="checkbox"/> Main Criminal (If no Main, list all Criminal References)	
<input checked="" type="checkbox"/> Manual Indices <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	<input type="checkbox"/> Telephone Appl. <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	
Searched by <u>[Signature]</u> Date <u>7-18-06</u>	Searched by _____ Date _____	
<input type="checkbox"/> Confidential Indices: <input checked="" type="checkbox"/> Neg. <input type="checkbox"/> Pos.	<input type="checkbox"/> CLEA <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	
Searched by <u>[Signature]</u> Date <u>7/20/06</u>	Searched by _____ Date _____	
<input checked="" type="checkbox"/> ONI (Global) <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	<input type="checkbox"/> IIA <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	
Searched by <u>[Signature]</u> Date <u>7-18-06</u>	Searched by _____ Date _____	
<input type="checkbox"/> Drug X (DEA Only) <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	<input type="checkbox"/> CISP <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	
Searched by _____ Date _____	Searched by _____ Date _____	
<input type="checkbox"/> Elsur Indices <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	<input type="checkbox"/> Other <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	
Searched by _____ Date _____	Searched by _____ Date _____	
<input type="checkbox"/> Other <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	<input type="checkbox"/> Other <input type="checkbox"/> Neg. <input type="checkbox"/> Pos.	
Searched by _____ Date _____	Searched by _____ Date _____	

File & Serial Number	Remarks	File & Serial Number	Remarks
211-00-3 (8/81)	REFERENCE? Deputy Counsel to President		
161B-5224-SERIAL 1PI (7/2/55)	I		
190-C2-2760 (5/00)	copy of Request sent to FBIHQ.		

Consolidated by

Date

Reviewed by

Date

I - Identical

NI - Not identical

File Review Symbols
? - Not Identifiable

U- Unavailable reference

[redacted] (LA) (FBI)

From: [redacted] (LA) (FBI)
Sent: Thursday, February 21, 2008 11:40 AM
To: [redacted] RMD) (FBI)
Subject: RE: Manual Field Office Search 1049408 . . . HERBERT E. ELLINGWOOD

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning !

A search of the Los Angeles manual indices re HERBERT E. ELLINGWOOD revealed no main files.

[redacted]

From: [redacted] (RMD) (FBI)
Sent: Friday, February 15, 2008 6:52 AM
To: [redacted] (SD) (FBI); [redacted] (WE) (FBI); [redacted] (LA) (FBI); [redacted] (SC) (FBI); [redacted] (WF) (FBI)
Subject: Manual Field Office Search 1049408 . . . HERBERT E. ELLINGWOOD
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We are currently working on a litigation case that involves several field offices. Manual searches need to be done on the following subject at your earliest convenience. Thanks for your help!

Subject: **Herbert E. Ellingwood**
SSN: 726-09-4567
DOB: March 5, 1931 Colorado
DOD: March 8, 1989

[redacted]
Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist
(540) [redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

FIELD OFFICE FILE REQUEST FORM

HEADQUARTERS INFORMATION

LAS

FIELD OFFICE INFORMATION

NAME Sacramento

b6
b7CFOIPA No. REQUESTER'S NAME: SUBJECT'S NAME: Herbert E. Ellingwood

FILES REQUESTED:

80-238 serial 134
80-394

FILES SHIPPED:

80-238 serial 134
80-394

HQ COMMENTS

*Manual Field
Office Search-1049408
Litigation Case*

FO COMMENTS

*Return to
OSS
Sacramento Field Office*

The FO must complete this form,
sign the statement below and
enclose it with the FO files
before mailing.

Ship to: FBI

170 Marcel Drive

Winchester, VA 22602-4843

Proposed Statement:

Classification (Secretive place the classification level here).

I, , certify there are not any records classified
above the secret level, coded SCI, or are otherwise considered sensitive in the
enclosed package. If/when opened by RIDS/Security or the DocLab in Winchester
and sensitive, SCI or classified above the secret level are found in this package,
RMD reserves the right to contact your Security Officer and the RMD Security
Office.

Signed

OSS Sacramento

[REDACTED] (SC) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Friday, February 15, 2008 9:52 AM
To: [REDACTED] (SC) (FBI)
Subject: RE: Manual Field Office Search 1049408

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Yes please. Thank you.

170 Marcel Drive
Winchester, VA 22601-4843

[REDACTED]
Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist
(540) [REDACTED]

From: [REDACTED] (SC) (FBI)
Sent: Friday, February 15, 2008 12:48 PM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual Field Office Search 1049408

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning [REDACTED] Re: Herbert E. Ellingwood, we have files 80-238 serial 134 and 80-394. Would you like these files FedExed to you? Thank you, [REDACTED] DSS-Sacramento 916-977-2305

-----Original Message-----

From: [REDACTED] (SC) (FBI)
Sent: Friday, February 15, 2008 7:39 AM
To: [REDACTED] (SC) (FBI)
Subject: FW: Manual Field Office Search 1049408
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Friday, February 15, 2008 6:52 AM
To: [REDACTED] (SD) (FBI); [REDACTED] (WE) (FBI); [REDACTED] (LA) (FBI);
[REDACTED] (SC) (FBI); [REDACTED] (WF) (FBI)
Subject: Manual Field Office Search 1049408
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

We are currently working on a litigation case that involves several field offices. Manual searches need to be done on

the following subject at your earliest convenience. Thanks for your help!

Subject: Herbert E. Ellingwood
SSN: 726-09-4567
DOB: March 5, 1931 Colorado
DOD: March 8, 1989

[REDACTED]
Federal Bureau of Investigation
Records Information Dissemination
Legal Administrative Specialist
(540) [REDACTED]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

FIELD OFFICE FILE REQUEST FORM

HEADQUARTERS INFORMATION

LAS

FOIPA No.

REQUESTER'S NAME:

SUBJECT'S NAME: *Herbert E. Ellingwood*

FILES REQUESTED:

80-238 serial 134
80-394

HQ COMMENTS

*Manual Field
Office Search-1049408
Litigation Case*

FIELD OFFICE INFORMATION

NAME *Sacramento*

FILES SHIPPED:

80-238 serial 134
80-394

FO COMMENTS

Returns to
OSS
Sacramento Field Office

The FO must complete this form,
sign the statement below and
enclose it with the FO files
before mailing.

Ship to: FBI

170 Marcel Drive

Winchester, VA 22602-4843

Proposed Statement:

Classification *Sensitive* place the classification level here).

I, *[redacted]*, certify there are not any records classified
above the secret level, coded SCI, or are otherwise considered sensitive in the
enclosed package. If/when opened by RIDS/Security or the DocLab in Winchester
and sensitive, SCI or classified above the secret level are found in this package,
RMD reserves the right to contact your Security Officer and the RMD Security
Office.

Signed

*[redacted]**OSS Sacramento**returned*
3-3-08
SP

FD-702 (Rev. 3-17-03)

File Charge Out - From Field Office to FBIHQ

I

IDENTITY OF FILE CHARGED OUT

File #:

80-394

Volume(s):

1

Sub File(s):

0

Title:

Herbert E. Ellingwood

Date Charged Out:

2-15-08

II

IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

Herbert E. Ellingwood

File #:

80-394

Forward to FBIHQ

☒ Legal Counsel☐ RIDS Section☐ Otherlitigation case 649408
sent to

RMD

(LIAS)

Signature of employee making charge out

See Instruction On Reverse Side

Returned

[REDACTED] (SC) (FBI)

From: [REDACTED] (SC) (FBI)
Sent: Thursday, June 29, 2006 10:38 AM
To: [REDACTED] (RMD) (FBI)
Subject: FW: Manual Search Required

UNCLASSIFIED
NON-RECORD

[REDACTED]

Sacramento manual indices reflected the following for Herbert E. Ellingwood:

80-238-134 - Local newspaper article authored by Mr. Ellingwood (Legal Secretary to Gov. Reagan) dated 10/7/73 entitled "Counterpoint - Public Needs More Protection".

80-394* Liaison file - one serial dated 1-29-73 advising that Mr. Ellingwood is the Legal Affairs Secretary, Office of Governor Ronald Reagan, State of California.

161B-785* - destroyed 1/06/2006

Search for Herb Ellingwood were negative.

Please let me know you need copies of the above.

Thank you
SAS [REDACTED] - Sacramento
(916) [REDACTED]

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Thursday, June 29, 2006 5:45 AM
To: [REDACTED] (SC) (FBI)
Subject: FW: Manual Search Required

UNCLASSIFIED
NON-RECORD

[REDACTED]

Regarding this manual search, please respond with the results to [REDACTED] She is the LAS handling this case. Thanks

[REDACTED]
RMD (Winchester)
540-[REDACTED]

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Thursday, June 29, 2006 8:34 AM
To: [REDACTED] (SC) (FBI)
Subject: Manual Search Required

UNCLASSIFIED
NON-RECORD

Herbert E. Ellingwood (deceased)

AKA: Herb Wllingwood

DOB: 3/5/1931

DOD: 3/8/1989

SSN: 726-09-4567

Thanks

[REDACTED]
RMD (Winchester)
540 [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/27/2006

To: Washington Field

Attn: A/ADIC Joseph Persichini
CDC [REDACTED]

From: WFO

Office of Division Counsel

Contact: [REDACTED], x [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED]:cah

Case ID #: 190-C1-SUB C (Closed)

Title: FREEDOM OF INFORMATION - PRIVACY ACT MATTERS

Synopsis: Destruction of records.

Details: This is to advise that, in accordance with MAOP, Part 2-4.5.2(8.a), all documents in this sub section (serials 1 through 380) have been destroyed, with the exception of the following serials:

216
218
280
321
374

This sub section was originally opened as a repository for Privacy Act requests of FBI on-board employees.

♦♦

09/04/08

View Full Response

UNI040M2

11:38:25

Page 1 of 3

Press desired program function key or Enter.

Name : ELLINGWOOD, HERBERT, EUGENE

DDN :

Name No . . . : 1 Rec No : 1

Main/Ref . . . : R Race . : U Sex. : M

Case ID . . . : WF 190-C1-SUB R

Character . . : FOIPA

Old Case ID . :

Serial . . . : 181

Document Date :

Event Date. . :

DOB : 03/05/1931

POB : COLORADO

ID Info . . . : SOC 726-09-4567

Locality. . . :

Command . . > +

F1=Help, F3=Exit, F4=Prompt, F11=NextPg, F12=Cancel, F13=ViewSerial, F14=AddAKA

F21=ViewCase

4A0

03,075

b2
b6
b7C

MUST BE IN
DICTATION BY

10/27

OCT 26 2 11 PM '88

TELETYPE

FORMS.TEXT HAS 1 DOCUMENT

INBOX.1 (#1621)

TEXT:

VZCZCHQ0306

PP LA

DE HQ #0306 2960811

ZNR UUUUU

P 212118Z OCT 88

FM DIRECTOR FBI

TO FBI LOS ANGELES PRIORITY

BT

UNCLAS

ROY MARTIN BREWER, SR.; SPIN (B) - EXPANDED NAME CHECK;

BUDED: 10/28/88

NUMEROUS FILES NOT
LISTED

ROY M BREWER
66-2927* 1/51
100-15732-765
100-15732-2084 9/51

BUREAU HAS BEEN REQUESTED TO CONDUCT EXPANDED NAME CHECK
OF MR. BREWER FOR A PRESIDENTIAL APPOINTMENT AS A MEMBER OF THE
FEDERAL SERVICE IMPASSES PANEL.

APPOINTEE IS DESCRIBED AS BORN AUGUST 9, 1909, IN CAIRO,
NEBRASKA; RESIDES AT 4230 JUBILO DRIVE, TARZANA, CALIFORNIA; IS
CURRENTLY A CONSULTANT WITH INTERNATIONAL SOUND TECHNICIAN
UNION, 11331 VENTURA BOULEVARD, STUDIO CITY, CALIFORNIA; AND
HAS SSAN [REDACTED]

RECEIVING OFFICE CHECK INDICES AND ELSUR FILES BASED UPON
AVAILABLE INFORMATION CONCERNING APPOINTEE, IF UTILIZING MAJOR

161 B-2057-1

INDICES SEARCHED

MANUALLY

FOIMS

TELETYPE

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 22 1988	

Received 10/21/88

PAGE TWO DE HQ 0306 UNCLAS

CASE INFORMATION SYSTEM AND ARE OFFICE OF ORIGIN ON THOSE CASES SHOULD ALSO CHECK THOSE DATA BASES. PROMPTLY SUTEL RESULTS (POSITIVE OR NEGATIVE) BY TELETYPE SUMMARY AND IF POSITIVE, FOLLOW WITH COPIES OF DOCUMENTS BY AIRTEL.

RECEIVING OFFICE WILL ALSO CONTACT THE UNITED STATES ATTORNEY'S OFFICES COVERING AREAS WHERE APPOINTEE RESIDES AND IS EMPLOYED TO DETERMINE IF THERE IS ANY INDICATION OF FEDERAL PROSECUTIVE ACTION (CIVIL OR CRIMINAL, IN CLOSED OR CURRENT FILES) CONCERNING APPOINTEE.

NO FURTHER INVESTIGATION IS REQUESTED AT THIS TIME; HOWEVER, OFFICES ARE TO SUBMIT RESULTS BY BUDED BY SUMMARY TELETYPE SUITABLE FOR DISSEMINATION, NO REPORT NECESSARY.

DIRECT RESULTS ATTENTION:



SPIN UNIT, ROOM

4371.

BT

#0306

NNNN

2-LA
4-1A

A - APPLICANT
R - RELATIVE
RM - ROOMMATE

CITY	LEAD	AGENT
L.A.	INDICIES	FILE/REVIEW
L.A.	ELSUR	
TARZANA	RESIDENCE	CASE AGENT
L.A.	ARREST(A)	
STUDIO CITY	EMPLOYMENT	CASE AGENT

ALL INVESTIGATION CONDUCTED BY RA'S MUST BE SUBMITTED IN FINAL INSERT FORM, ORIGINAL AND ONE COPY. THE COPY MUST BE INITIALED BY AGENT AND APPROVED BY THE SSRA OR A RELIEF SUPERVISOR.

FILE # 161B-6057
LEADS SET OUT BY CS

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐

PRECEDENCE:

☒ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

2

Date 10-21-88

1 FM FBI LOS ANGELES (161B-6057) (AP-1) (RUC)

2 TO DIRECTOR FBI/IMMEDIATE/

3 BT

4 UNCLAS

5 CITE: //3410//

6 PASS: ATTN: [REDACTED] SPIN UNIT, ROOM 4371.

7
8 SUBJECT: ROY MARTIN BREWER; SENIOR; SPIN (B); EXPANDED NAME
9 CHECK; BUDED: OCTOBER 28, 1988.

10 REFERENCE DIRECTOR TELETYPE, OCTOBER 22, 1988.

11 ON OCTOBER 24, 1988, SUPPORT PERSON [REDACTED] ADVISED
12 THE LOS ANGELES GENERAL INDICES WERE SEARCHED REGARDING THE
13 APPOINTEE AND NUMEROUS FILES WITH THE NAME OF ROY M. BREWER HAVE
14 BEEN DESTROYED [REDACTED]15 [REDACTED]
16 [REDACTED]17 [REDACTED]
18 [REDACTED] ek

CORRECTED

SEARCHED
INDEXED
SERIALIZED
FILED

21 Approved: [Signature]

Transmitted


Jan 11:23AM Per [Signature]
(Number) (Time)


161B-6057-2


^PAGE TWO LA 161B-6057 UNCLAS



A FURTHER REVIEW OF THE LOS ANGELES GENERAL INDICES REFLECTS THAT A ROY BREWER WAS LISTED IN FILE NUMBER 100-74856. THE INFORMATION IN THIS FILE INDICATES THAT A ROY BREWER WAS ON A ~~COMMITTEE~~ TEMPORARY ORGANIZING COMMITTEE TO STOP WORLD WAR III. THE DATE OF THIS INFORMATION WAS DECEMBER 2, 1969, AND THERE WAS NO OTHER INFORMATION IDENTIFIABLE WITH ROY BREWER.

ON OCTOBER 24, 1988, SUPPORT PERSON  FURTHER ADVISED THE LOS ANGELES GENERAL INDICES WERE NEGATIVE REGARDING THE APPLICANT'S LISTED EMPLOYMENT INTERNATIONAL SOUND TECHNICIAN UNION.

ON OCTOBER 25, 1988, SUPPORT PERSON  ADVISED THAT LOS ANGELES ELSUR INDEX WAS SEARCHED REGARDING THE APPOINTEE AND THE APPOINTEE'S LISTED EMPLOYMENT WITH NEGATIVE RESULTS.

ON OCTOBER 24, 1988, SUPPORT PERSON  ADVISED THAT ^{the} LOS ANGELES INFORMANT INDEX WAS SEARCHED REGARDING THE APPOINTEE AND THE APPOINTEE'S LISTED EMPLOYMENT WITH NEGATIVE

^PAGE THREE LA 161B-6057 UNCLAS

RESULTS.

ON OCTOBER 24, 1988, IA [REDACTED] ADVISED THE RECORDS OF LOS ANGELES POLICE DEPARTMENT AND LOS ANGELES SHERIFF'S OFFICE, LOS ANGELES, CALIFORNIA, WERE SEARCHED REGARDING THE APPOINTEE WITH NEGATIVE RESULT.

ON OCTOBER 28, 1988, AMELIA ACOSTA, CLERK-UNITED STATES ATTORNEY'S OFFICE, LOS ANGELES, CALIFORNIA, ADVISED IA [REDACTED] [REDACTED] THAT A REVIEW OF THE CRIMINAL AND CIVIL DOCKETS REGARDING THE APPOINTEE WERE NEGATIVE AS NO IDENTIFIABLE INFORMATION CONTAINED WITHIN THE COMPUTER SYSTEM.

ALL INDIVIDUALS CONTACTED WERE APPRISED OF THE PROVISIONS OF THE PRIVACY ACT AND NO CONFIDENTIALITY REQUEST.

BT

DELAY DUE TO CAAE AGENT BEING
ON EMERGENCY ANNUAL LEAVE.

b2
b6
b7C

VZCZCLAO002

OCT 31 11 26 AM '88

OO HQ

DE LA #0002 3051808 ,

TELETYPE

ZNR UUUUU

O 311753Z OCT 88

FM FBI LOS ANGELES (161B-6057) (AP-1) (RUC)

TO DIRECTOR FBI/IMMEDIATE/

BT

UNCLAS

CITE: //3410//

PASS: ATTN: [REDACTED] SPIN UNIT, ROOM 4371.

SUBJECT: ROY MARTIN BREWER; SENIOR; SPIN (B); EXPANDED NAME

CHECK; BUDED: OCTOBER 28, 1988.

REFERENCE DIRECTOR TELETYPE OCTOBER 22, 1988.

ON OCTOBER 24, 1988, SUPPORT PERSON [REDACTED] ADVISED
THE LOS ANGELES GENERAL INDICES WERE SEARCHED REGARDING THE
APPOINTEE AND NUMEROUS FILES WITH THE NAME OF ROY M. BREWER HAVE
BEEN DESTROYED [REDACTED]

SEARCHED

INDEXED

SERIALIZED

FILED

E.K.

161B-6057-2

TELETYPE

PAGE TWO DE LA 0002 UNCLAS

[REDACTED]

A FURTHER REVIEW OF THE LOS ANGELES GENERAL INDICES REFLECTS THAT A ROY BREWER WAS LISTED IN FILE NUMBER 100-74856. THE INFORMATION IN THIS FILE INDICATES THAT A ROY BREWER WAS ON A TEMPORARY ORGANIZING COMMITTEE TO STOP WORLD WAR III. THE DATE OF THIS INFORMATION WAS DECEMBER 2, 1969, AND THERE WAS NO OTHER INFORMATION IDENTIFIABLE WITH ROY BREWER.

ON OCTOBER 24, 1988, SUPPORT PERSON [REDACTED] FURTHER ADVISED THE LOS ANGELES GENERAL INDICES WERE NEGATIVE REGARDING THE APPLICANT'S LISTED EMPLOYMENT, INTERNATIONAL SOUND TECHNICIAN UNION.

ON OCTOBER 25, 1988, SUPPORT PERSON [REDACTED] ADVISED THAT LOS ANGELES ELSUR INDEX WAS SEARCHED REGARDING THE APPOINTEE AND THE APPOINTEE'S LISTED EMPLOYMENT WITH NEGATIVE RESULTS.

ON OCTOBER 24, 1988, SUPPORT PERSON [REDACTED] ADVISED THAT THE LOS ANGELES INFORMANT INDEX WAS SEARCHED

PAGE THREE DE LA 0002 UNCLAS

REGARDING THE APPOINTEE AND THE APPOINTEE'S LISTED EMPLOYMENT
WITH NEGATIVE RESULTS.

ON OCTOBER 24, 1988, IA [REDACTED] ADVISED THE
RECORDS OF LOS ANGELES POLICE DEPARTMENT AND LOS ANGELES
SHERIFF'S OFFICE, LOS ANGELES, CALIFORNIA, WERE SEARCHED
REGARDING THE APPOINTEE WITH NEGATIVE RESULT.

ON OCTOBER 28, 1988, AMELIA ACOSTA, CLERK-UNITED STATES
ATTORNEY'S OFFICE, LOS ANGELES, CALIFORNIA, ADVISED IA [REDACTED]
[REDACTED] THAT A REVIEW OF THE CRIMINAL AND CIVIL DOCKETS REGARDING
THE APPOINTEE WERE NEGATIVE AS NO IDENTIFIABLE INFORMATION
CONTAINED WITHIN THE COMPUTER SYSTEM.

ALL INDIVIDUALS CONTACTED WERE APPRISED OF THE PROVISIONS OF
THE PRIVACY ACT AND NO CONFIDENTIALITY REQUEST.

DELAY DUE TO CASE AGENT BEING ON EMERGENCY ANNUAL LEAVE.

BT

#0002

NNNN

LABOR LEAGUE OF HOLLYWOOD
VOTERS

FOIPA # 1050649

Current search

Date 6/12/08		
Requested by:		
Ext.	Squad:	File No.

To: Administrative Officer

Subject
Labor League of Hollywood Voters

Social Security Account #

Aliases

Address	Birth Date	Birth Place	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
---------	------------	-------------	------	---

<input type="checkbox"/> Exact Spelling	<input type="checkbox"/> Main Criminal Case Files Only	<input type="checkbox"/> Restrict Locality of
<input type="checkbox"/> All References	<input type="checkbox"/> Criminal References Only	
<input type="checkbox"/> Main Security Case Files Only	<input type="checkbox"/> Main Security (If no Main, list all Security References)	
<input checked="" type="checkbox"/> Security References Only	<input type="checkbox"/> Main Criminal (if no Main, list all Criminal References)	

<input checked="" type="checkbox"/> General Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by [redacted] Date 6/12/08	<input type="checkbox"/> ISIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> FOIMS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> REGIONAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast			Mid-Atlantic		Central		Western	
Legats								
<input type="checkbox"/> Albany	<input type="checkbox"/> Athens	<input type="checkbox"/> Madrid	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Mobile	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Albuquerque	
<input type="checkbox"/> Boston	<input type="checkbox"/> Bangkok	<input type="checkbox"/> Manila	<input type="checkbox"/> Baltimore	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Chicago	<input type="checkbox"/> Louisville	<input type="checkbox"/> Anchorage	
<input type="checkbox"/> New Haven	<input type="checkbox"/> Bern	<input type="checkbox"/> Mexico City	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee	<input type="checkbox"/> Honolulu	
<input type="checkbox"/> New York City	<input type="checkbox"/> Bogota	<input type="checkbox"/> Montevideo	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Quantico	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis	<input type="checkbox"/> Las Vegas	
<input type="checkbox"/> Newark	<input type="checkbox"/> Bonn	<input type="checkbox"/> Ottawa	<input type="checkbox"/> Columbia	<input type="checkbox"/> Richmond	<input type="checkbox"/> Dallas	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Los Angeles	
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bridgetown	<input type="checkbox"/> Panama City	<input type="checkbox"/> Jackson	<input type="checkbox"/> San Juan	<input type="checkbox"/> Denver	<input type="checkbox"/> Omaha	<input type="checkbox"/> Phoenix	
<input type="checkbox"/> All above	<input type="checkbox"/> Brussels	<input type="checkbox"/> Paris	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Tampa	<input type="checkbox"/> Detroit	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Portland	
	<input type="checkbox"/> Canberra	<input type="checkbox"/> Rome	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Washington	<input type="checkbox"/> El Paso	<input type="checkbox"/> San Antonio	<input type="checkbox"/> Sacramento	
	<input type="checkbox"/> Caracas	<input type="checkbox"/> Tokyo	<input type="checkbox"/> Memphis	Field	<input type="checkbox"/> Houston	<input type="checkbox"/> Springfield	<input type="checkbox"/> Salt Lake City	
	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Vienna	<input type="checkbox"/> Miami	<input type="checkbox"/> All above	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> St. Louis	<input type="checkbox"/> San Diego	
	<input type="checkbox"/> London				<input type="checkbox"/> Kansas City	<input type="checkbox"/> All above	<input type="checkbox"/> San Francisco	
							<input type="checkbox"/> Seattle	
							<input type="checkbox"/> All above	

File & Serial Number	Remarks	File & Serial Number	Remarks

Consolidated by	Date
Reviewed by	Date
File Review Symbols I - Identical NI - Not identical ? - Not identifiable U - Unavailable reference	

MOTION PICTURE ALLIANCE FOR THE
PRESERVATION OF AMERICAN IDEALS

FOIPA # 1050648

Current search

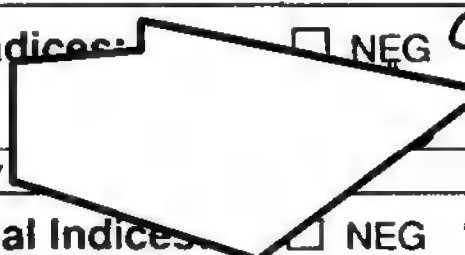
To: Administrative Officer

Date 6/12/08		
Requested by:		
Ext.	Squad:	File No.

Subject Motion Picture Alliance For the Preservation of American Ideals	Social Security Account #
--	---------------------------

Aliases	Address	Birth Date	Birth Place	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
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<input type="checkbox"/> Exact Spelling	<input type="checkbox"/> Main Criminal Case Files Only	<input type="checkbox"/> Restrict Locality of
<input type="checkbox"/> All References	<input type="checkbox"/> Criminal References Only	
<input type="checkbox"/> Main Security Case Files Only	<input type="checkbox"/> Main Security (If no Main, list all Security References)	
<input type="checkbox"/> Security References Only	<input type="checkbox"/> Main Criminal (if no Main, list all Criminal References)	

<input checked="" type="checkbox"/> General Indices: <input type="checkbox"/> NEG <input checked="" type="checkbox"/> POS Searched by  Date 6/12/08	<input type="checkbox"/> ISIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> FOIMS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> REGIONAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast			Mid-Atlantic		Central		Western	
Legats								
<input type="checkbox"/> Albany	<input type="checkbox"/> Athens	<input type="checkbox"/> Madrid	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Mobile	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Albuquerque	
<input type="checkbox"/> Boston	<input type="checkbox"/> Bangkok	<input type="checkbox"/> Manila	<input type="checkbox"/> Baltimore	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Chicago	<input type="checkbox"/> Louisville	<input type="checkbox"/> Anchorage	
<input type="checkbox"/> New Haven	<input type="checkbox"/> Bern	<input type="checkbox"/> Mexico City	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee	<input type="checkbox"/> Honolulu	
<input type="checkbox"/> New York City	<input type="checkbox"/> Bogota	<input type="checkbox"/> Montevideo	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Quantico	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis	<input type="checkbox"/> Las Vegas	
<input type="checkbox"/> Newark	<input type="checkbox"/> Bonn	<input type="checkbox"/> Ottawa	<input type="checkbox"/> Columbia	<input type="checkbox"/> Richmond	<input type="checkbox"/> Dallas	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Los Angeles	
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bridgetown	<input type="checkbox"/> Panama City	<input type="checkbox"/> Jackson	<input type="checkbox"/> San Juan	<input type="checkbox"/> Denver	<input type="checkbox"/> Omaha	<input type="checkbox"/> Phoenix	
<input type="checkbox"/> All above	<input type="checkbox"/> Brussels	<input type="checkbox"/> Paris	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Tampa	<input type="checkbox"/> Detroit	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Portland	
	<input type="checkbox"/> Canberra	<input type="checkbox"/> Rome	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Washington	<input type="checkbox"/> El Paso	<input type="checkbox"/> San Antonio	<input type="checkbox"/> Sacramento	
	<input type="checkbox"/> Caracas	<input type="checkbox"/> Tokyo	<input type="checkbox"/> Memphis	Field	<input type="checkbox"/> Houston	<input type="checkbox"/> Springfield	<input type="checkbox"/> Salt Lake City	
	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Vienna	<input type="checkbox"/> Miami	<input type="checkbox"/> All above	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> St. Louis	<input type="checkbox"/> San Diego	
	<input type="checkbox"/> London				<input type="checkbox"/> Kansas City	<input type="checkbox"/> All above	<input type="checkbox"/> San Francisco	
							<input type="checkbox"/> Seattle	
							<input type="checkbox"/> All above	

File & Serial Number	Remarks	File & Serial Number	Remarks
62-2484 *			
62-2484-190 (12/53)			
62-2484-196 (6/54)			

Consolidated by	Date
Reviewed by	Date
File Review Symbols I - Identical NI - Not identical ? - Not identifiable U - Unavailable reference	

[62-2484*]

~~94-8-43~~

~~100-20360-17~~

~~100-15732-198/201 p.4/159~~

~~p.29/200 p.3/172 p.3,9/~~

~~274/228/173 p.4/320 p.3/~~

~~173 p.12~~

~~100-5377-256 p.12~~

~~100-22299-3~~

~~62-0-12147~~

~~SEE LOG INDICES~~

~~100-15732-489 p.56,182~~

~~100-15732-B-1023~~

~~100-15732-B-976~~

MOTION PICTURE ALLIANCE FOR THE
PRESERVATION OF AMERICAN IDEALS

~~62-3093-95~~

~~62-2017-1B2 P. 428~~

~~100-32109-3 3/50~~

~~100-15732-2568 p. 11~~

~~Dec. 1951~~

[~~62-2484-190 Dec. 53~~]

~~62-2484-196 6/54~~]

[REDACTED] (LA) (FBI)

To: [REDACTED] (RMD) (FBI)
Subject: RE: REQUESTER

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Tuesday, May 01, 2007 5:16 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: REQUESTER

UNCLASSIFIED
NON-RECORD

Seth Rosenfeld for both.

-----Original Message-----

From: [REDACTED] (LA) (FBI)
Sent: Monday, April 30, 2007 5:21 PM
To: [REDACTED] (RMD) (FBI)
Subject: REQUESTER

UNCLASSIFIED
NON-RECORD

Hi [REDACTED]

Who is the requester for MOTION PICTURE INDUSTRY (FOIPA 1050646)
and
MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN
IDEALS (FOIPA 1050648) ?

Thanks

[REDACTED]

UNCLASSIFIED

UNCLASSIFIED

[redacted] (LA) (FBI)

b6
b7C

From: [redacted] (RMD) (FBI)
Sent: Friday, April 20, 2007 7:59 AM
To: [redacted] (LA) (FBI)
Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

There are two requests that I've been working on.

- 1) Foia 1050648 Motion Picture Alliance for the Preservation of American Ideals
- 2) Foia 1050646 Motion Picture Industry

The email that you replied to (below) is for the Motion Picture Industry.

Hope this helps.
Thanks.

-----Original Message-----

From: [redacted] (LA) (FBI)
Sent: Friday, April 20, 2007 9:58 AM
To: [redacted] (RMD) (FBI)
Subject: FW: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hi [redacted]...

Question for you ...

I'm filing this one away and just need to know is this the same request as FOIPA 1050648? You didn't give me a FOIPA # for this one and I notice a couple of other requests with similar subjects and I don't know which ones are from the same requester. I'm trying to keep all the same requests together and it's getting confusing.

Hoping you can help me straighten this out

Thanks

[redacted]

-----Original Message-----

From: [redacted] (LA) (FBI)
Sent: Monday, April 02, 2007 8:57 AM
To: [redacted] (RMD) (FBI)

Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning

The Los Angeles manual indices is negative re **MOTION PICTURE INDUSTRY COUNCIL**. The only mention in manual indices of Motion Picture Industry is for **MOTION PICTURE INDUSTRY (Cominfil)** with file 100-15732 which you mentioned. Another is **MOTION PICTURE INDUSTRY, COMMUNIST INFILTRATION OF** ...also file 100-15732. File 100-15732 is captioned **COMINFIL MOTION PICTURE INDUSTRY**.

File 62-2484 was sent to you on 2/7/07.

File 100-5955 is captioned **RUSSIAN CONSULATE, Los Angeles**.

[Redacted]

b6
b7C

-----Original Message-----

From: [Redacted] (RMD) (FBI)
Sent: Friday, March 30, 2007 11:52 AM
To: [Redacted] (LA) (FBI)
Subject: Motion Picture Industry Council

UNCLASSIFIED
NON-RECORD

I know the LA FO did a manual search on this subject previously with negative results, however, the requester seems to think that the following LA files may be responsive to this subject: **62-2484, 100-5955, 100-15732**. Can you tell me if COMPIC is the only subject that comes up for these files?

Can you also confirm that there are no main or reference files for **Motion Picture Industry Council (MPIC)**. Thanks again!

[Redacted]
Legal Administrative Specialist
Records Management Division
Winchester, VA
(540) [Redacted]

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

[REDACTED] (LA) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Friday, April 20, 2007 8:32 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Same requester, different foia/subjects.

-----Original Message-----

From: [REDACTED] (LA) (FBI)
Sent: Friday, April 20, 2007 11:25 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Are they the same requester or part of the same request but different FOIPA #?

If they are the same requester/request I just want to keep them together in our file. The names are so similar I just wanted to check.

Thanks . . .

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Friday, April 20, 2007 7:59 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

There are two requests that I've been working on.

- 1) Foia 1050648 Motion Picture Alliance for the Preservation of American Ideals
- 2) Foia 1050646 Motion Picture Industry

The email that you replied to (below) is for the Motion Picture Industry.

Hope this helps.
Thanks.

-----Original Message-----

From: [REDACTED] (LA) (FBI)
Sent: Friday, April 20, 2007 9:58 AM
To: [REDACTED] (RMD) (FBI)
Subject: FW: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hi [] ..

b6
b7C

Question for you ...

I'm filing this one away and just need to know is this the same request as FOIPA 1050648 ? You didn't give me a FOIPA # for this one and I notice a couple of other requests with similar subjects and I don't know which ones are from the same requester. I'm trying to keep all the same requests together and it's getting confusing.

Hoping you can help me straighten this out

Thanks

[]

-----Original Message-----

From: [] (LA) (FBI)
Sent: Monday, April 02, 2007 8:57 AM
To: [] (RMD) (FBI)
Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning

The Los Angeles manual indices is negative re **MOTION PICTURE INDUSTRY COUNCIL**. The only mention in manual indices of Motion Picture Industry is for **MOTION PICTURE INDUSTRY (Cominfil)** with file 100-15732 which you mentioned. Another is **MOTION PICTURE INDUSTRY, COMMUNIST INFILTRATION OF** ...also file 100-15732. File 100-15732 is captioned **COMINFIL MOTION PICTURE INDUSTRY**.

File 62-2484 was sent to you on 2/7/07.

File 100-5955 is captioned **RUSSIAN CONSULATE, Los Angeles**.

CC

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Friday, March 30, 2007 11:52 AM
To: [REDACTED] (LA) (FBI)
Subject: Motion Picture Industry Council

b6
b7C

UNCLASSIFIED
NON-RECORD

I know the LA FO did a manual search on this subject previously with negative results, however, the requester seems to think that the following LA files may be responsive to this subject: **62-2484, 100-5955, 100-15732**. Can you tell me if COMPIC is the only subject that comes up for these files?

Can you also confirm that there are no main or reference files for **Motion Picture Industry Council (MPIC)**. Thanks again!

[REDACTED]
Legal Administrative Specialist
Records Management Division
Winchester, VA
(540) [REDACTED]

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

2829

b6
b7C

[redacted] (LA) (FBI)
From: [redacted] (LA) (FBI)
Sent: Monday, April 02, 2007 8:57 AM
To: [redacted] (RMD) (FBI)
Subject: RE: Motion Picture Industry Council

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Good morning
The Los Angeles manual indices is negative re **MOTION PICTURE INDUSTRY COUNCIL**. The only mention in manual indices of Motion Picture Industry is for **MOTION PICTURE INDUSTRY (Cominfil)** with file 100-15732 which you mentioned. Another is **MOTION PICTURE INDUSTRY, COMMUNIST INFILTRATION OF** ...also file 100-15732. File 100-15732 is captioned **COMINFIL MOTION PICTURE INDUSTRY**.

File 62-2484 was sent to you on 2/7/07.

File 100-5955 is captioned **RUSSIAN CONSULATE, Los Angeles**.

CC

-----Original Message-----

From: [redacted] (RMD) (FBI)
Sent: Friday, March 30, 2007 11:52 AM
To: [redacted] (LA) (FBI)
Subject: Motion Picture Industry Council

UNCLASSIFIED
NON-RECORD

I know the LA FO did a manual search on this subject previously with negative results, however, the requester seems to think that the following LA files may be responsive to this subject: 62-2484, 100-5955, 100-15732. Can you tell me if COMPIC is the only subject that comes up for these files?

Can you also confirm that there are no main or reference files for Motion Picture Industry Council (MPIC). Thanks again!

[redacted]
Legal Administrative Specialist
Records Management Division
Winchester, VA
(540) [redacted]

190-C2-265A/E

100-15732*

MOTION PICTURE INDUSTRY,
COMMUNIST INFILTRATION OF

80-83-59

94-231-135

100-10657-116

100-18874-429

100-4751-151

100-19588-17

100-15732B

newspaper clippings

100-18874-605

100-21315-437

100-18874-602

66-119-838 (2/3/48)

66-119-1008 (7/13/48)

62-1478*

MOTION PICTURE INDUSTRY

(conditions
existing among
extra players)

100-15732*

(cominfil)

65-1957*

(incorrect number)

~~60-130* refs transferred to:~~

65-2172-6

~~60-126-10 thru 18~~

62-2017-62 p. 426

~~re Fox West Coast theatres~~

65-2940-3 p. 10

(German activities)

67-30 (file destroyed)

(re racketeers and
extortionists)

Dest

[redacted] (LA) (FBI)

From: [redacted] (LA) (FBI)
Sent: Friday, March 23, 2007 12:23 PM
To: [redacted] (RMD) (FBI)
Subject: RE: Motion Picture - Additional Files Request

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hi [redacted]

All the serials you requested below are in the mail to you . . .

[redacted]

-----Original Message-----

From: [redacted] (RMD) (FBI)
Sent: Monday, March 19, 2007 5:53 AM
To: [redacted] (LA) (FBI)
Subject: Motion Picture - Additional Files Request

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]

Back in February you sent me files 62-LA-2484 (2 volumes) and 190-LA-132024 regarding FOIA 1050648. The requester, Seth Rosenfeld, wants us to "re-process" the 190 file. Therefore, I need the following LA files sent directly to me for review and re-processing:

100-15732 (serial 172, 173, 200, 228, 274, 320, 489, 976, 2468, 2662)
100-15732B (serial 1023)
62-3093 (serial 95)

Please FedEx the files directly to me:

FBI

[redacted] LAS
Winchester Site 2 -WPU2- GR/Q15
170 Marcel Drive
Winchester VA 22602-4843

Let me know if you have any questions. Thanks again for your help.

[redacted]
540 [redacted]

-----Original Message-----

From: [redacted] (RMD) (FBI)
Sent: Tuesday, January 30, 2007 2:40 PM
To: [redacted] (LA) (FBI)
Subject: LA 62-2484

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

190-C2-2654/D

FOIA: 1050648

SUBJECT: Motion Picture Alliance for the Preservation of American Ideals

[REDACTED]

b6
b7C

The above FOIA has been reassigned to me. In reviewing the FOIA case notes with my supervisor, it appears we need a clean copy of this entire file, as well as a copy of the pages that have been previously redacted/processed from your office. Is this something that you can help me with or should I contact someone else? Thanks so much.

[REDACTED]

*Legal Administrative Specialist
Records Management Division
Site 2-Q15
170 Marcel Drive
Winchester, VA 22602-4843
(540) [REDACTED]*

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Date: 2/6/07

To: RMD
SHe 2-Q15
WINCHESTER

From: LOS ANGELES
LEGAL UNIT

PLS
(310)

b6
b7C

Subject: Motion Picture Alliance for the Preservation
of American Ideals

Requester: _____

File #: _____

FOIPA #: 1050648

Enclosed is/are file/files or references for classification review:

190-LA-132024

190-C2-2654-C

To: RMD
Site 2 Q-15
WINCHESTER

PLS

(310)

- b6
- b7C

Subject: Motion Picture Alliance for the Preservation
of AMERICAN IDEALS

Requester: _____

File #: _____

FOIPA #: 105 0648

Enclosed is/are file/files or references for classification review:

62.2484 (2 vols)

[REDACTED] (LA) (FBI)
From: [REDACTED] (RMD) (FBI)
Sent: Tuesday, January 30, 2007 11:40 AM
To: [REDACTED] (LA) (FBI)
Subject: LA 62-2484

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

FOIA: 1050648
SUBJECT: Motion Picture Alliance for the Preservation of American Ideals

[REDACTED]
The above FOIA has been reassigned to me. In reviewing the FOIA case notes with my supervisor, it appears we need a clean copy of this entire file, as well as a copy of the pages that have been previously redacted/processed from your office. Is this something that you can help me with or should I contact someone else? Thanks so much.

[REDACTED]
Legal Administrative Specialist
Records Management Division
Site 2-Q15
170 Marcel Drive
Winchester, VA 22602-4843
(540) [REDACTED]

SENSITIVE BUT UNCLASSIFIED

End of Data

01/30/07

List Summary Response

UNI050MK

15:16:34

Type X, x, or / to view Full Response, then press Enter.

. Name: MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS
M/R : M Case ID: 190-LA-132024 Serial:
Race: X Sex: X DOB/Event: 11/22/1991E ID Info:
Misc: REQUEST OF STEPHEN M WEISSM Entry Date: 11/29/1991 Class Level: SN

. Name: MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS=
M/R : M Case ID: LA 190-110884 Serial:
Race: X Sex: X DOB/Event: ID Info:
Misc: ERIC DILUCENTE - REQUESTER Entry Date: 11/19/1992 Class Level: SN
Ref to H0 for Processing 5/30/90 62-2484

. Name: MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS
M/R : R Case ID: LA 190-C2 Serial: 2654
Race: X Sex: X DOB/Event: ID Info:
Misc: MANUAL INDICES SEARCH Entry Date: 08/22/2005 Class Level: U

Command . . > +
F1=Help, F3=Exit, F4=Prompt, F12=Cancel

4AÛ

06,002

[redacted] (LA) (FBI)

From: [redacted] (LA) (FBI)
Sent: Wednesday, August 16, 2006 1:13 PM
To: [redacted] (RMD) (FBI)
Subject: RE: Manual Search / MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS

UNCLASSIFIED
NON-RECORD

What are chances of that happening !!!

I have a copy of our e-mails, [redacted] had asked about a previous request from

[redacted]
190-LA-132024, which had a release of 11 pages of cross-references from LA and HQ had released 120 pages from 62-2484. She had requested a copy of the 11 pages released by LA.

[redacted]

-----Original Message-----

From: [redacted] (RMD) (FBI)
Sent: Wednesday, August 16, 2006 11:14 AM
To: [redacted] (LA) (FBI)
Subject: RE: Manual Search requested

UNCLASSIFIED
NON-RECORD

That's ok, it took me a little while to figure it out...it is a coinciedink...I actually have a different requester, but I'm trying to figure out if it can be handled as a preprocessed case.

I do have an additional question, when [redacted] did her request, she stated that some of it has been previously released. Could you check and see if this is correct? If so, how many pages were released? I don't need a copy right now, but I may later on. Thanks so much for all your help.

-----Original Message-----

From: [redacted] (LA) (FBI)
Sent: Wednesday, August 16, 2006 2:07 PM
To: [redacted] (RMD) (FBI)
Subject: RE: Manual Search requested

UNCLASSIFIED
NON-RECORD

Oh, forgive me, the date threw me off, that was one year ago today, can you believe the timing, it didn't register !!!! gotta laugh!

So, looks like you inherited the request, I guess we can move right along with it. If you need anything else just let me know.

[REDACTED]

b6
b7C

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Wednesday, August 16, 2006 10:31 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Manual Search requested

UNCLASSIFIED
NON-RECORD

Was this maybe from last year? She hasn't been here for quite a while and she had a request open at this time last year.

-----Original Message-----

From: [REDACTED] (LA) (FBI)
Sent: Wednesday, August 16, 2006 12:53 PM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual Search requested

UNCLASSIFIED
NON-RECORD

PS. . . . I just noticed that [REDACTED] (RMD) requested a manual search of MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS on 8/16/06, would this be the same request as yours? Hopefully you're not both working on the same one.

[REDACTED]

-----Original Message-----

From: [REDACTED] (LA) (FBI)
Sent: Wednesday, August 16, 2006 9:41 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual Search requested

UNCLASSIFIED
NON-RECORD

Good morning/afternoon !

A search of LA manual indices re MOTION PICTURE INDUSTRY COUNCIL aka MPCCI is negative.

"

"

re LABOR LEAGUE OF

HOLLYWOOD VOTERS is negative.

" " re MOTION PICTURE ALLIANCE
FOR THE PRESERVATION OF AMERICAN IDEALS aka MPA
located one main file, 62-2484 which consists of 2 volumes with
approx. 500 pages.

b6
b7C

-----Original Message-----

From: [REDACTED] (RMD) (FBI)

Sent: Friday, August 11, 2006 7:31 AM

To: [REDACTED] (LA) (FBI); [REDACTED] (LA) (FBI); [REDACTED]

Subject: (LA) (FBI)
Manual Search requested

UNCLASSIFIED
NON-RECORD

I have three FOIPA requests (#1050646, 1050648, 1050649) to the Los Angeles Field Office. I was wondering if you could please do a manual search for me. The following is the information that I have for each request

1050646
Motion Picture Industry Council
AKA: MPIC

1050648
Motion Picture Alliance for the Preservation of American Ideals
AKA: MPA

1050649
Labor League of Hollywood Voters

Will you please search your records and let me know if you locate a file for any of these? If you do locate a file, will you please give me an approximate number of pages in the file. Currently, I am at a remote site where we cannot receive files; therefore, I am not requesting this file from you. Thank you very much.

Should you have any questions, please don't hesitate to contact me.

[REDACTED]
RMD-Winchester
540 [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

[REDACTED] (LA) (FBI)

From: [REDACTED] (LA) (FBI)
Sent: Wednesday, August 16, 2006 9:41 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual Search requested

UNCLASSIFIED
NON-RECORD

Good morning/afternoon !

A search of LA manual indices re MOTION PICTURE INDUSTRY COUNCIL aka MPCCI is negative.

" " re LABOR LEAGUE OF HOLLYWOOD VOTERS is negative.

" " re MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS aka MPA located one main file, 62-2484 which consists of 2 volumes with approx. 500 pages.

[REDACTED]

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Friday, August 11, 2006 7:31 AM
To: [REDACTED] (LA) (FBI); [REDACTED] (LA) (FBI); [REDACTED] (LA) (FBI)
Subject: Manual Search requested

UNCLASSIFIED
NON-RECORD

I have three FOIPA requests (#1050646, 1050648, 1050649) to the Los Angeles Field Office. I was wondering if you could please do a manual search for me. The following is the information that I have for each request

1050646

- Motion Picture Industry Council
- AKA: MPIC

1050648

- Motion Picture Alliance for the Preservation of American Ideals
- AKA: MPA

62-2484 *

1050649

- Labor League of Hollywood Voters

Will you please search your records and let me know if you locate a file for any of these? If you do locate a file, will you please give me an approximate number of pages in the file. Currently, I am at a remote site where we cannot receive files; therefore, I am not requesting this file from you. Thank you very much.

Should you have any questions, please don't hesitate to contact me.

[REDACTED]

RMD-Winchester

540/

[REDACTED]

b6

b7C

UNCLASSIFIED

UNCLASSIFIED

[redacted] (LA) (FBI) _____
From: [redacted] (LA) (FBI) _____
Sent: Friday, August 19, 2005 11:41 AM
To: [redacted] (RMD)(FBI) _____
Subject: RE: Manual search required

UNCLASSIFIED
NON-RECORD

A copy of the 11 pages released is in the mail re **Motion Picture Alliance For The Preservation of American Ideals.**

Two other pages were released to the requester regarding a different subject.

[redacted]

-----Original Message-----

From: [redacted] (RMD)(FBI) _____
Sent: Friday, August 19, 2005 6:05 AM
To: [redacted] (LA) (FBI) _____
Cc: [redacted] (RMD) (FBI) _____
Subject: RE: Manual search required

UNCLASSIFIED
NON-RECORD

Good Morning, pls send me a copy of the previous release from your office. Thanks [redacted]
You may send it to [redacted] @ HQ's Attn: [redacted]
Thanks.....

-----Original Message-----

From: [redacted] (LA) (FBI) _____
Sent: Wednesday, August 17, 2005 12:35 PM
To: [redacted] (RMD)(FBI) _____
Subject: RE: Manual search required

UNCLASSIFIED
NON-RECORD

Hi [redacted]

A search of manual indices shows one main file 62-2484 (2 vols) on
THE MOTION PICTURE ALLIANCE FOR THE PRESERVATION OF AMERICAN IDEALS.

Previous request 190-LA-132024, shows a release of 13 pgs. of cross-references on the above. HQ released 120 pgs. from 62-2484 on 3/25/92.

8/19/2005

[redacted]

190-C2-2654

b6
b7C

-----Original Message-----

From: [redacted] (RMD)(FBI)**Sent:** Tuesday, August 16, 2005 9:30 AM**To:** [redacted] (LA) (FBI); [redacted] (SC) (FBI)**Cc:** [redacted] (RMD)(FBI)**Subject:** Manual search required**UNCLASSIFIED**
NON-RECORD

Hello

I'm handling a FOIPA request in which the requester wants all records pertaining to the organization established in Los Angeles, CA in 1944. The Motion Picture Alliance for the Preservation of American Ideals.

Ms. [redacted] a previous release was given from LA. Requester: [redacted]
190-LA-132024. 42 pgs were reviewed & 13 pgs were released {Foipa # 179176}.

Pls comply, Thanks - [redacted]

UNCLASSIFIED**UNCLASSIFIED****UNCLASSIFIED****UNCLASSIFIED**

8/19/2005

62-2484*

~~94-8-43~~ dest.

100-20360-17

100-15732-198/201 p.4/159

p.29/200 p.3/172 p.3,9/

274/228/173 p.4/320 p.3/

173 p.12

100-5377-256 p.12

100-22299-3

~~62-0-12147~~ dest.

SEE LOG INDICES

100-15732-489 p.56,182

100-15732-B-1023

100-15732-B-976

MOTION PICTURE ALLIANCE FOR THE
PRESERVATION OF AMERICAN IDEALS

62-3093-95

62-2017-1B2 P. 428

100-32189-3 - 3/50

100-15732-2568 p. 11

Dec. 1951

62-2484-190 Dec. 53

62-2484-196 6/54

62-2484*

MOTION PICTURE ALLIANCE

100-15732-195/817 p.8/

199/B-15/466/453 p.6/

819 p.la/852

100-5377-260

100-15865-210 p.45

100-18479-294

100-15817-90

100-21774-8

65-4370-21

94-227-93/96

94-228-27

26-2484-132

100-15732-897 p.4/872 p.2/1023

p.2/1088/1109/1422

62-2484-143

80-71-86/7

Dw 11/21/47 p.3

100-18355-1B7(1) p. 327

100-15732-1603 p.la,

35-36 Dec. 1950

62-2484-148 Mar. 1950

80-232-139 March '51

100-15732-2568 p. la

Dec. 1951

100-15732-2129 p.2 Nov' 51

100-21315-898 Sept' 51

MOTION PICTURE INDUSTRY COUNCIL

FOIPA # 1050646

1076785

Current search

Date 6/12/08		
Requested by:		
Ext.	Squad:	File No.
Social Security Account #		

To: Administrative Officer

Subject
Motion Picture Industry Council

Aliases	Address	Birth Date	Birth Place	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
---------	---------	------------	-------------	------	---

- | | | |
|--|---|---|
| <input type="checkbox"/> Exact Spelling | <input type="checkbox"/> Main Criminal Case Files Only | <input type="checkbox"/> Restrict Locality of |
| <input type="checkbox"/> All References | <input type="checkbox"/> Criminal References Only | |
| <input type="checkbox"/> Main Security Case Files Only | <input type="checkbox"/> Main Security (If no Main, list all Security References) | |
| <input type="checkbox"/> Security References Only | <input type="checkbox"/> Main Criminal (if no Main, list all Criminal References) | |

b6
b7C

<input type="checkbox"/> General Indices: <input checked="" type="checkbox"/> NEG <input type="checkbox"/> POS Searched by [redacted] Date 6/12/08	<input type="checkbox"/> ISIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> FOIMS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> REGIONAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast			Mid-Atlantic		Central		Western	
Legats								
<input type="checkbox"/> Albany	<input type="checkbox"/> Athens	<input type="checkbox"/> Madrid	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Mobile	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Albuquerque	
<input type="checkbox"/> Boston	<input type="checkbox"/> Bangkok	<input type="checkbox"/> Manila	<input type="checkbox"/> Baltimore	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Chicago	<input type="checkbox"/> Louisville	<input type="checkbox"/> Anchorage	
<input type="checkbox"/> New Haven	<input type="checkbox"/> Bern	<input type="checkbox"/> Mexico City	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee	<input type="checkbox"/> Honolulu	
<input type="checkbox"/> New York City	<input type="checkbox"/> Bogota	<input type="checkbox"/> Montevideo	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Quantico	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis	<input type="checkbox"/> Las Vegas	
<input type="checkbox"/> Newark	<input type="checkbox"/> Bonn	<input type="checkbox"/> Ottawa	<input type="checkbox"/> Columbia	<input type="checkbox"/> Richmond	<input type="checkbox"/> Dallas	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Los Angeles	
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bridgetown	<input type="checkbox"/> Panama City	<input type="checkbox"/> Jackson	<input type="checkbox"/> San Juan	<input type="checkbox"/> Denver	<input type="checkbox"/> Omaha	<input type="checkbox"/> Phoenix	
<input type="checkbox"/> All above	<input type="checkbox"/> Brussels	<input type="checkbox"/> Paris	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Tampa	<input type="checkbox"/> Detroit	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Portland	
	<input type="checkbox"/> Canberra	<input type="checkbox"/> Rome	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Washington	<input type="checkbox"/> El Paso	<input type="checkbox"/> San Antonio	<input type="checkbox"/> Sacramento	
	<input type="checkbox"/> Caracas	<input type="checkbox"/> Tokyo	<input type="checkbox"/> Memphis	Field	<input type="checkbox"/> Houston	<input type="checkbox"/> Springfield	<input type="checkbox"/> Salt Lake City	
	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Vienna	<input type="checkbox"/> Miami	<input type="checkbox"/> All above	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> St. Louis	<input type="checkbox"/> San Diego	
	<input type="checkbox"/> London				<input type="checkbox"/> Kansas City	<input type="checkbox"/> All above	<input type="checkbox"/> San Francisco	
							<input type="checkbox"/> Seattle	
							<input type="checkbox"/> All above	

File & Serial Number	Remarks	File & Serial Number	Remarks

Consolidated by	Date
Reviewed by	Date
File Review Symbols I - Identical NI - Not identical ? - Not identifiable U - Unavailable reference	

NEIL REAGAN

FOIPA # 1017395

[REDACTED] (LA) (FBI)

b6
b7C

From: [REDACTED] (LA) (FBI)

Sent: Monday, May 09, 2005 11:12 AM

To: [REDACTED] (RMD)(FBI)

Subject: RE: FOIPA 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hi [REDACTED]

A search of manual indices re NEIL REAGAN aka JOHN NEIL REAGAN is negative.

[REDACTED] - LA

-----Original Message-----

From: [REDACTED] (RMD)(FBI)

Sent: Monday, May 09, 2005 9:03 AM

To: [REDACTED] (LA) (FBI); [REDACTED] (WF) (FBI)

Subject: FOIPA 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

✓ A request was received, requesting information from the LA and WFO offices for the following subject:

NAM: Reagan, Neil

AKA: Reagan, John, Neil

DOB: 09/16/1908

This is the older brother of the late President Ronald Reagan. Neil passed away 12/11/1996.

Please perform a manual search for the subject. Please email the approximate volumes and page counts, prior to forwarding any responsive information to my attention at HQ, Room 6359. I can be contacted at 202 [REDACTED] I would like to thank you in advance for your assistance and cooperation with this matter.

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

John Reagan

100-70765-26 6/68

NI - [REDACTED]

b7C

5/9/2005

100-2-2622

To: Administrative Officer

Subject Neil Reagan Social Security Account #

Aliases John Neil Reagan

Address Birth Date Birth Place Race Sex
☐ Male
☐ Female

- ☐ Exact Spelling
- ☐ All References
- ☐ Main Security Case Files Only
- ☐ Security References Only
- ☐ Main Criminal Case Files Only
- ☐ Criminal References Only
- ☐ Main Security (If no Main, list all Security References)
- ☐ Main Criminal (if no Main, list all Criminal References)
- ☐ Restrict Locality of

☒ General Indices: ☐ NEG ☐ POS

5/9/05

Searched by

Date

☐ Confidential Indices: ☐ NEG ☐ POS

Searched by

Date

☐ ELSUR Indices: ☐ NEG ☐ POS

Searched by

Date

☐ FOIMS: ☐ NEG ☐ POS

Searched by

Date

☐ GLOBAL: ☐ NEG ☐ POS

Searched by

Date

☐ ISIS: ☐ NEG ☐ POS

Searched by

Date

☐ OCIS: ☐ NEG ☐ POS

Searched by

Date

☐ IIS: ☐ NEG ☐ POS

Searched by

Date

☐ MICRO: ☐ NEG ☐ POS

Searched by

Date

☐ REGIONAL: ☐ NEG ☐ POS

Searched by

Date

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast			Mid-Atlantic		Central		Western
Legats							
<input type="checkbox"/> Albany	<input type="checkbox"/> Athens	<input type="checkbox"/> Madrid	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Mobile	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Albuquerque
<input type="checkbox"/> Boston	<input type="checkbox"/> Bangkok	<input type="checkbox"/> Manila	<input type="checkbox"/> Baltimore	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Chicago	<input type="checkbox"/> Louisville	<input type="checkbox"/> Anchorage
<input type="checkbox"/> New Haven	<input type="checkbox"/> Bern	<input type="checkbox"/> Mexico City	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee	<input type="checkbox"/> Honolulu
<input type="checkbox"/> New York City	<input type="checkbox"/> Bogota	<input type="checkbox"/> Montevideo	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Quantico	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis	<input type="checkbox"/> Las Vegas
<input type="checkbox"/> Newark	<input type="checkbox"/> Bonn	<input type="checkbox"/> Ottawa	<input type="checkbox"/> Columbia	<input type="checkbox"/> Richmond	<input type="checkbox"/> Dallas	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Los Angeles
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bridgetown	<input type="checkbox"/> Panama City	<input type="checkbox"/> Jackson	<input type="checkbox"/> San Juan	<input type="checkbox"/> Denver	<input type="checkbox"/> Omaha	<input type="checkbox"/> Phoenix
<input type="checkbox"/> All above	<input type="checkbox"/> Brussels	<input type="checkbox"/> Paris	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Tampa	<input type="checkbox"/> Detroit	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Portland
	<input type="checkbox"/> Canberra	<input type="checkbox"/> Rome	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Washington	<input type="checkbox"/> El Paso	<input type="checkbox"/> San Antonio	<input type="checkbox"/> Sacramento
	<input type="checkbox"/> Caracas	<input type="checkbox"/> Tokyo	<input type="checkbox"/> Memphis	Field	<input type="checkbox"/> Houston	<input type="checkbox"/> Springfield	<input type="checkbox"/> Salt Lake City
	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Vienna	<input type="checkbox"/> Miami	<input type="checkbox"/> All above	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> St. Louis	<input type="checkbox"/> San Diego
	<input type="checkbox"/> London				<input type="checkbox"/> Kansas City	<input type="checkbox"/> All above	<input type="checkbox"/> San Francisco
							<input type="checkbox"/> Seattle
							<input type="checkbox"/> All above

File & Serial Number	Remarks	File & Serial Number	Remarks
JOHN REAGAN			
100-70765-26	(6/68)	NI - JOHN LOUI'S REAGAN	AGE 20

Consolidated by Date

Reviewed by Date

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference



FBI FACSIMILE COVER SHEET

PRECEDENCE

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION

- ☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☐ Unclassified

Time Transmitted: _____

Sender's Initials: _____

 Number of Pages: 28
 (including cover sheet)
To: FBIHQDate: 9-4-08

Name of Office

Facsimile Number: 202-

Attn: _____

Name

Room

Telephone

 b2
 b6
 b7C
From: WFO closed files

Name of Office

Subject: _____

Special Handling Instructions: _____

Originator's Name: _____

Telephone: 703-

Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information, disclosure, reproduction, distribution, or use of this information is prohibited (18.U.S.C. § 641). Please notify the

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/27/2006

To: Washington Field

Attn: A/ADIC Joseph Persichini
CDC [redacted] Jr.

From: WFO

Office of Division Counsel

Contact: [redacted] [redacted]

b6
b7C

Approved By: [redacted]

Drafted By: [redacted] cah

Case ID #: 190-C1-SUB C (Closed)

Title: FREEDOM OF INFORMATION - PRIVACY ACT MATTERS

Synopsis: Destruction of records.

Details: This is to advise that, in accordance with MAOP,
Part 2-4.5.2(8.a), all documents in this sub section (serials
1 through 380) have been destroyed, with the exception of the
following serials:

216
218
280
321
374

33

This sub section was originally opened as a
repository for Privacy Act requests of FBI on-board employees.

♦♦

09/04/08

11:37:28

View Full Response

UNI040M2

Page 1 of 3

Press desired program function key or Enter.

Name : REAGAN, NEIL

DDN :

Name No . . . : 1 Rec No : 1

Main/Ref . . . : R Race . : U

Sex. : M

Case ID . . . : WF 190-C1-SUB R

Character . . : FOIPA

Old Case ID . :

Serial . . . : 104

Document Date :

Event Date. . :

DOB :

POB :

ID Info . . . :

Locality. . . : CT

Command . . > +

F1=Help, F3=Exit, F4=Prompt, F11=NextPg, F12=Cancel, F13=ViewSerial, F14=AddAKA

F21=ViewCase

4A0

03,075

NEIL REAGAN

FOIPA # 1017395

[REDACTED] (LA) (FBI)

b6
b7C

From: [REDACTED] (LA) (FBI)

Sent: Monday, May 09, 2005 11:12 AM

To: [REDACTED] (RMD)(FBI)

Subject: RE: FOIPA 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Hi [REDACTED]

A search of manual indices re NEIL REAGAN aka JOHN NEIL REAGAN is negative.

[REDACTED] - LA

-----Original Message-----

From: [REDACTED] (RMD)(FBI)

Sent: Monday, May 09, 2005 9:03 AM

To: [REDACTED] (LA) (FBI); [REDACTED] (WF) (FBI)

Subject: FOIPA 1017395

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

✓ A request was received, requesting information from the LA and WFO offices for the following subject:

NAM: Reagan, Neil

AKA: Reagan, John, Neil

DOB: 09/16/1908

This is the older brother of the late President Ronald Reagan. Neil passed away 12/11/1996.

Please perform a manual search for the subject. Please email the approximate volumes and page counts, prior to forwarding any responsive information to my attention at HQ, Room 6359. I can be contacted at 202 [REDACTED] I would like to thank you in advance for your assistance and cooperation with this matter.

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

John Reagan

100-70765-26 6/68

NI - [REDACTED]

b7C

5/9/2005

100-2-2622

To: Administrative Officer

Subject Neil Reagan Social Security Account # _____

Aliases John Neil Reagan

Address _____ Birth Date _____ Birth Place _____ Race _____ Sex ☐ Male ☐ Female

- ☐ Exact Spelling
- ☐ All References
- ☐ Main Security Case Files Only
- ☐ Security References Only
- ☐ Main Criminal Case Files Only
- ☐ Criminal References Only
- ☐ Main Security (If no Main, list all Security References)
- ☐ Main Criminal (if no Main, list all Criminal References)
- ☐ Restrict Locality of _____

<input checked="" type="checkbox"/> General Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date <u>5/9/05</u>	<input type="checkbox"/> ISIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> FOIMS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> REGIONAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast			Mid-Atlantic		Central		Western
Legats							
<input type="checkbox"/> Albany	<input type="checkbox"/> Athens	<input type="checkbox"/> Madrid	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Mobile	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Albuquerque
<input type="checkbox"/> Boston	<input type="checkbox"/> Bangkok	<input type="checkbox"/> Manila	<input type="checkbox"/> Baltimore	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Chicago	<input type="checkbox"/> Louisville	<input type="checkbox"/> Anchorage
<input type="checkbox"/> New Haven	<input type="checkbox"/> Bern	<input type="checkbox"/> Mexico City	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee	<input type="checkbox"/> Honolulu
<input type="checkbox"/> New York City	<input type="checkbox"/> Bogota	<input type="checkbox"/> Montevideo	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Quantico	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis	<input type="checkbox"/> Las Vegas
<input type="checkbox"/> Newark	<input type="checkbox"/> Bonn	<input type="checkbox"/> Ottawa	<input type="checkbox"/> Columbia	<input type="checkbox"/> Richmond	<input type="checkbox"/> Dallas	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Los Angeles
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bridgetown	<input type="checkbox"/> Panama City	<input type="checkbox"/> Jackson	<input type="checkbox"/> San Juan	<input type="checkbox"/> Denver	<input type="checkbox"/> Omaha	<input type="checkbox"/> Phoenix
<input type="checkbox"/> All above	<input type="checkbox"/> Brussels	<input type="checkbox"/> Paris	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Tampa	<input type="checkbox"/> Detroit	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Portland
	<input type="checkbox"/> Canberra	<input type="checkbox"/> Rome	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Washington	<input type="checkbox"/> El Paso	<input type="checkbox"/> San Antonio	<input type="checkbox"/> Sacramento
	<input type="checkbox"/> Caracas	<input type="checkbox"/> Tokyo	<input type="checkbox"/> Memphis	Field	<input type="checkbox"/> Houston	<input type="checkbox"/> Springfield	<input type="checkbox"/> Salt Lake City
	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Vienna	<input type="checkbox"/> Miami	<input type="checkbox"/> All above	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> St. Louis	<input type="checkbox"/> San Diego
	<input type="checkbox"/> London				<input type="checkbox"/> Kansas City	<input type="checkbox"/> All above	<input type="checkbox"/> San Francisco
							<input type="checkbox"/> Seattle
							<input type="checkbox"/> All above

File & Serial Number	Remarks	File & Serial Number	Remarks
<u>JOHN REAGAN</u>			
<u>100-70765-26</u>	<u>(6/68)</u>	<u>NI - JOHN LOUI'S REAGAN</u>	<u>- AGE 20</u>

Consolidated by _____ Date _____

Reviewed by _____ Date _____

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference



FBI FACSIMILE COVER SHEET

PRECEDENCE

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION

- ☐ Top Secret
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☐ Sensitive
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Name of Office

Facsimile Number: 202-

Attn: _____

Name

Room

Telephone

From: WFO closed files

Name of Office

Subject: _____

Special Handling Instructions: _____

Originator's Name: _____

Telephone: 703-

Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information, disclosure, reproduction, distribution, or use of this information is prohibited (18.U.S.C. § 641). Please notify the

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 09/27/2006

To: Washington Field

Attn: A/ADIC Joseph Persichini
CDC [REDACTED] Jr.

From: WFO

Office of Division Counsel

Contact: [REDACTED] [REDACTED]

b6
b7C

Approved By: [REDACTED]

Drafted By: [REDACTED] cah

Case ID #: 190-C1-SUB C (Closed)

Title: FREEDOM OF INFORMATION - PRIVACY ACT MATTERS

Synopsis: Destruction of records.

Details: This is to advise that, in accordance with MAOP, Part 2-4.5.2(8.a), all documents in this sub section (serials 1 through 380) have been destroyed, with the exception of the following serials:

216
218
280
321
374

33

This sub section was originally opened as a repository for Privacy Act requests of FBI on-board employees.

♦♦

09/04/08

11:37:28

View Full Response

UNI040M2

Page 1 of 3

Press desired program function key or Enter.

Name : REAGAN, NEIL

DDN :

Name No . . . : 1 Rec No : 1

Main/Ref . . . : R Race . : U

Sex. : M

Case ID . . . : WF 190-C1-SUB R

Character . . : FOIPA

Old Case ID . :

Serial . . . : 104

Document Date :

Event Date. . :

DOB :

POB :

ID Info . . . :

Locality. . . : CT

Command . . > +

F1=Help, F3=Exit, F4=Prompt, F11=NextPg, F12=Cancel, F13=ViewSerial, F14=AddAKA

F21=ViewCase

4A0

03,075

RONALD WILSON REAGAN

FOIPA # 1089424

LA

DATE 10/11/2005

TO: FBI HEADQUARTERS
RECORDS MANAGEMENT

Attn: [REDACTED] ROOM: 6359 b6
b7C

FROM: LOS ANGELES

PLS [REDACTED] (310) [REDACTED]
Legal Unit

SUBJECT: RONALD W. REAGAN
FOIPA MATTER

Reference your email dated 07/18/2005 and recent
telephone call.

Shipped under separate cover is additional main file
175-189.

Unable to locate Los Angeles file 300A-LA-232508.
Will continue to search for file and will send upon location.

b6
b7C

Ref: [REDACTED]	GRB	Date: 10/18/2005	SHIPPING:	11.95
Dep: [REDACTED]		Wgt: 10.2 LBS	SPECIAL:	0.84
		DV:	HANDLING:	0.00
			TOTAL:	12.79
		Svcs: PRIORITY OVERNIGHT		
		TRCK: 6929 0968 8975		
		[REDACTED] Ship Dr		

190-C2-2558P

DATE 10/11/2005

TO: FBI HEADQUARTERS
RECORDS MANAGEMENT

Attn: [REDACTED] ROOM: 6359 b6
b7C

FROM: LOS ANGELES
PLS [REDACTED] (310) [REDACTED]
Legal Unit

SUBJECT: RONALD W. REAGAN
FOIPA MATTER

Reference your email dated 07/18/2005 and recent
telephone call.

Shipped under separate cover is additional main file
175-189.

Unable to locate Los Angeles file 300A-LA-232508.
Will continue to search for file and will send upon location.

190-C1-2558/12

DATE 8-05-04

TO: FBI HEADQUARTERS
RECORDS MANAGEMENT

Attn:

[Redacted]

ROOM 6359

b6
b7C

FROM: LOS ANGELES

PLS

[Redacted]

(310)

[Redacted]

Legal Unit

SUBJECT: RONALD WILSON REAGAN
FOIPA MATTER

ef

Reference your email dated 07/23/2004.

Shipped under separate cover are the following Los Angeles files:

80-859
116-70463
161-2715
100-75300
100-76832
100-77477
100-79981
100-86769
100-79066

190-C2-2558/A

[REDACTED] (LA) (FBI)
From: [REDACTED] (LA) (FBI)
Sent: Friday, July 23, 2004 12:47 PM
To: [REDACTED] (LA) (FBI)
Subject: FW: RONALD WILSON REAGAN DOB-2-6-1911

UNCLASSIFIED
NON-RECORD

FOIPA

-----Original Message-----

From: [REDACTED]
Sent: Friday, July 23, 2004 10:55 AM
To: [REDACTED] (LA) (FBI)
Subject: RONALD WILSON REAGAN DOB-2-6-1911

HI [REDACTED]
THIS IS IN REFERENCE TO A FOIA REQUEST.

80-859 ✓
116-70463 ✓
161-2715 ✓
100-75300 ✓
100-76832 ✓
44-3130 ✓
100-77477 ✓
100-79981 ✓
100-86769 ✓
174-740 ✓
100-79066 ✓

300A-LA-232508 ✓ *ACS (P) J. CA*
PLEASE SEE WHAT YOU CAN DO. I APPRECIATE YOUR HELP.

202- [REDACTED]
RM# 6359

UNCLASSIFIED

190-c2-2558

[REDACTED] (LA) (FBI)

From: [REDACTED]
Sent: Monday, August 02, 2004 6:54 AM
To: [REDACTED] (LA) (FBI)
Subject: RONALD WILSON REAGAN DOB 2-6-1911

GOOD MORNING [REDACTED]

I REQUESTED THESE FILES ON 7-23-04, I HAVE NOT RECEIVED A RESPONSE. I HAVE
GOTTEN ALL FILES FROM 3 OTHER FIELD OFFICES, PLEASE LET ME KNOW THE STATUS OF
THIS REQUEST SO THAT I CAN FINISH PROCESING THIS CASE.

80-859

116-70463

161-2715

100-75300

100-76832

*44-3130 - *UNABLE to COUNT ON VERIFY FILE DESTROYED*

100-77477

100-79981

100-86769

*174-740 - *DESTROYED.*

100-79066

*300-LA-232508 - *(P) - CASE PENDING.*

THANKS IN ADVANCE

202 [REDACTED]

RM# 6359

Ref: [] EP Date: 09/15/2005 SHIPPING: 23.05
Dep: Wgt: 22.6 LBS SPECIAL: 1.62
DV: 0.00 HANDLING: 0.00
TOTAL: 24.71

b6
b7C

DATE 09/15/2005

Svcs: PRIORITY OVERNIGHT
TRCK: 6929 0967 6857

TO: FBI HEADQUARTERS
RECORDS MANAGEMENT

Attn: [] ROOM: 6359

FROM: LOS ANGELES

PLS [] (310) []

Legal Unit

SUBJECT: RONALD W. REAGAN
FOIPA MATTER

Reference your email dated 07/18/2005.

Shipped under separate cover are the following main
files:

175-206
9-7181
175-193
175-195
175-197
175-198
199-679
175-173
175-170
175-204
9-6853
9-5770

These files were sent to you August 2004. Los Angeles
file 157-6457, 80-579, 116-70463, 161-2715, 9-5770, 100-75300,
100-76832, 100-77477, 100-79066, 100-79981, 100-86769,

190-C2-2558

DATE 09/15/2005

TO: FBI HEADQUARTERS
RECORDS MANAGEMENT

Attn: [REDACTED] ROOM: 6359

b6
b7C

FROM: LOS ANGELES
PLS [REDACTED] (310) [REDACTED]
Legal Unit

SUBJECT: RONALD W. REAGAN
FOIPA MATTER

Reference your email dated 07/18/2005.

Shipped under separate cover are the following main
files:

175-206
9-7181
175-193
175-195
175-197
175-198
199-679
175-173
175-170
175-204
9-6853
9-5770

These files were sent to you August 2004. Los Angeles
file 157-6457, 80-579, 116-70463, 161-2715, 9-5770, 100-75300,
100-76832, 100-77477, 100-79066, 100-79981, 100-86769,

To: Administrative Officer

Date

Requested by:

Ext.

Squad

File No.

Subject

RONALD W. REAGAN

Social Security Account #

Aliases

Address

Birth Date

Place of Birth

Race

Sex

☐ Male☐ Female

Telephone #'s

☐ Exact Spelling☐ All References☒ Main Security Case Files Only☐ Security Reference Only☒ Manual Indices ☐ Neg. ☐ Pos.☒ Main Criminal Case File Only☐ Criminal References Only☐ Main Security (If no Main, list all Security References)☐ Main Criminal (If no Main, list all Criminal References)☐ Restrict Locality of☐ Telephone Appl. ☐ Neg. ☐ Pos.

Searched by

Date

Searched by

Date

☐ Confidential Indices: ☐ Neg. ☐ Pos.☐ CLEA ☐ Neg. ☐ Pos.

Searched by

Date

Searched by

Date

☐ Neg.☒ Pos.

9-7-85

Searched by

Date

Searched by

Date

☐ Drug X (DEA Only) ☐ Neg. ☐ Pos.☐ CISP ☐ Neg. ☐ Pos.

Searched by

Date

Searched by

Date

☐ Elsur Indices ☐ Neg. ☐ Pos.☐ Other ☐ Neg. ☐ Pos.

Searched by

Date

Searched by

Date

☐ Other ☐ Neg. ☐ Pos.☐ Other ☐ Neg. ☐ Pos.

Searched by

Date

Searched by

Date

File & Serial Number

Remarks

File & Serial Number

Remarks

190-2114 main 11/86 FOIA-Request

✓ 145-206 main (7/84)

✓ 145-7181 main (1/82)

✓ 145-193 main (3/83)

✓ 145-195 main (7/83)

✓ 145-197 main (10/83)

not in closed - Unavailable

Consolidated by

Date

Reviewed by

Date

I - Identical

NI - Not identical

File Review Symbols

? - Not Identifiable

U - Unavailable reference

Subject

File No.

File Review Symbols

OF PAGES

To: Administrative Officer

Date

Requested by:

Ext.

Squad

File No.

Subject

RONALD W. REAGAN

Social Security Account #

Aliases

Address

Birth Date

Place of Birth

Race

Sex

☐ Male☐ Female

Telephone #'s

☐ Exact Spelling☐ All References☒ Main Security Case Files Only☐ Security Reference Only☒ Manual Indices ☐ Neg.☒ Main Criminal Case File Only☐ Criminal References Only☐ Main Security (If no Main, list all Security References)☐ Main Criminal (If no Main, list all Criminal References)☒ Pos.☐ Restrict Locality of☐ Telephone Appl.☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Confidential Indices: ☐ Neg.☐ Pos.☐ CLEA☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Neg.☒ Pos.*9-7-85*

Searched by

Date

☐ IIIA☐ Neg.☐ Pos.

Searched by

Date

☐ Drug X (DEA Only) ☐ Neg.☐ Pos.☐ CISP☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Elsur Indices☐ Neg.☐ Pos.☐ Other☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Other☐ Neg.☐ Pos.☐ Other☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

File & Serial Number

Remarks

File & Serial Number

Remarks

*190-2114 main 11/86 FOIA-Request**✓ 175-206 main (7/84)**✓ 175-7181 main (1/82)**✓ 175-193 main (3/83)**✓ 175-195 main (7/83)**✓ 175-197 main (10/83)**not in closed file*

Consolidated by

Date

Reviewed by

Date

I - Identical

NI - Not identical

File Review Symbols

? - Not Identifiable

U - Unavailable reference

b6
b7c

File No.

File Review Symbols

I - Identical	? - Not identifiable
NI - Not identical	U - Unavailable reference

OF PAGES

b6
b7C

[REDACTED] (LA) (FBI)

From: [REDACTED] (LA) (FBI)

Sent: Monday, July 18, 2005 5:52 AM

To: [REDACTED] (LA) (FBI)

Cc: [REDACTED] (RMD)(FBI)

Subject: FW: RONALD W. REAGAN

UNCLASSIFIED
NON-RECORD

FOIPA

-----Original Message-----

From: [REDACTED] (RMD)(FBI)

Sent: Monday, July 18, 2005 4:51 AM

To: [REDACTED] (LA) (FBI)

Subject: RONALD W. REAGAN

UNCLASSIFIED
NON-RECORD

Good morning,

This is in reference to a FOIPA request. Please forward to me any main files you may find on the above mentioned subject.
Thanks in advance for your help.

202 [REDACTED]
Room # 6359

UNCLASSIFIED

UNCLASSIFIED

7/19/2005

Files removed
from this list

b6
b7C

[REDACTED] (LA) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Monday, February 04, 2008 12:34 PM
To: [REDACTED] (LA) (FBI)
Subject: Please send files (there's a lot!)

UNCLASSIFIED
NON-RECORD

[REDACTED]
Please send me the following files, pertaining to a FOIA request for **Ronald Reagan**. The list includes main files and references. Thank you!!

185-LA-130295 - 1991
194B-LA-1722824-W serial 41 - 1998
200A-LA-117276 serial 9 - 1991
300A-LA-232508 - 2002
56C-LA-195816 serial 12 - 1996
58A-LA-111204 serials 13; 18 1990
58C-PX-41605 (LA) serials 148; 150 - 1990
100-79066 - *SENT - 2/5/08 - File - sent - 2/18/08*
100-8120 serials 136; 161 - *DESTROYED*
157-6457 - *UNABLE to locate*
174-740 - *1985 1990*
175-0 serials 1634; 1892; 1958; 2081 - *REDS*
175C-217 - 1987
175C-218 - 1987
175C-224 - 1988
183-924-E serials 237; 239; 240 - 1998
211-0 serial 14 - 1989
247A-9-U serial 197 - 1990
- 44-3130 - *UNABLE to locate*
- 80-3 serial 5183
- 89-0 serial 309 - 1987
89B-758 - 1988
- 9-4835 - *DESTROYED*
- 9-4875 - *DESTROYED*
9-5770 - *SENT*
9A-7939 - 1985
- 9A-7992 - *SENT - 2/5/08*

[REDACTED]
Legal Administrative Specialist
Records Management Division
ICRC-2, Winchester, VA
Room GR-N13

540- [REDACTED]

UNCLASSIFIED

Re: phone call - 2/6/08 -
SEND Files prior to 1/1/1979 - no later

190-C2-3117

b6
b7C

[REDACTED] (LA) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Monday, February 04, 2008 12:44 PM
To: [REDACTED] (LA) (FBI)
Subject: Remove these from the list

UNCLASSIFIED
NON-RECORD

I'm sorry. Remove these files from the list of files I just requested from you regarding Ronald Reagan:

100-75300 ✓
100-76832 ✓
100-77477 ✓
100-79981 ✓
100-86769 ✓
116-70463 ✓
161-2715 ✓
80-579 ✓

They have previously been processed for another requester, so I don't need those pulled. Thank you and I'm sorry for any inconvenience and confusion.

[REDACTED]
Legal Administrative Specialist
Records Management Division
ICRC-2, Winchester, VA
Room GR-N13
540 [REDACTED]

UNCLASSIFIED

b6
b7c

[redacted] (LA) (FBI)

From: [redacted] (LA) (FBI)
Sent: Monday, January 07, 2008 7:00 AM
To: [redacted] (LA) (FBI)
Subject: Fw: Manual indices search - Ronald Reagan

UNCLASSIFIED
NON-RECORD

FOIPA ...

From: [redacted] (RMD) (FBI)
Sent: Friday, January 04, 2008 6:09 AM
To: [redacted] (SD) (FBI); [redacted] (SC) (FBI); [redacted] (WE) (FBI); [redacted] (LA) (FBI); [redacted] (WF) (FBI)
Subject: Manual indices search - Ronald Reagan

UNCLASSIFIED
NON-RECORD

Please search your office's manual indices for Ronald Wilson Reagan, the former U.S. President. He was born on 2/6/1911 and died in June 2004. Please search **main and reference files** as this is for a FOIA litigation. In particular, I need all records prior to January 1, 1979 and no later.

Thank you for your help,

[redacted]
Legal Administrative Specialist
Records Management Division
ICRC-2, Winchester, VA
Room GR-N13
540-[redacted]

*No Files.
ab ke- 1/1/1979
No: [unclear] 2/6*

UNCLASSIFIED

UNCLASSIFIED

*Response - 1/1/09
SEK
Email
SEK - 2/4
2/12*

190-c2-3117

To: Administrative Officer

Date

1/10/2008

Requested by:

Ext.

Squad

File No.

Subject

RONALD WILSON REAGAN

Social Security Account #

Aliases

Address

Birth Date

2/6/1911

Place of Birth

Race

Sex

☐ Male☐ Female

Telephone #'s

DOD: June 2004

☐ Exact Spelling☐ All References☐ Main Security Case Files Only☐ Security Reference Only☐ Main Criminal Case File Only☐ Criminal References Only☐ Main Security (If no Main, list all Security References)☐ Main Criminal (If no Main, list all Criminal References)

Restrict Locality of

MAIN AND

REFERENCES -

PRIOR to JAN 1, 1979

☒ Neg.☒ Pos.☐ Telephone Appl.☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Confidential Indices: ☐ Neg.☐ Pos.

Searched by

Date

☐ CLEA☐ Neg.☐ Pos.

Searched by

Date

☐ UNI (Global)☐ Neg.☐ Pos.

Searched by

Date

☐ IIIA☐ Neg.☐ Pos.

Searched by

Date

☐ Drug X (DEA Only) ☐ Neg.☐ Pos.

Searched by

Date

☐ CISP☐ Neg.☐ Pos.

Searched by

Date

☐ Elsur Indices☐ Neg.☐ Pos.

Searched by

Date

☐ Other☐ Neg.☐ Pos.

Searched by

Date

☐ Other☐ Neg.☐ Pos.

Searched by

Date

☐ Other☐ Neg.☐ Pos.

Searched by

Date

File & Serial Number	Remarks	File & Serial Number	Remarks
157-6457* (3/71)	Unable to locate ✓		
80-3-5183 (11/78)	Unable to locate vol 43 ✓		
80-599* MAIN (3/65)	✓		
100-8120-136	DESTROYED ✓		
100-8120-161	DESTROYED ✓		
116-70463*	✓		
161-2715*	✓		

Consolidated by

Date

Reviewed by

Date

File Review Symbols

I - Identical

NI - Not identical

? - Not identifiable

U - Unavailable reference

b6
b7C

Subject

RONN(1) REAGAN

File No.

File Review Symbols

? - Not identifiable
U - Unavailable reference

[REDACTED] (LA) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Monday, February 04, 2008 11:48 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Manual indices search - Ronald Reagan

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Ok, thank you!

From: [REDACTED] (LA) (FBI)
Sent: Monday, February 04, 2008 2:29 PM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual indices search - Ronald Reagan

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[REDACTED]
Sorry for the confusion...100-8120 Serials 136 and 161 are references serials.

[REDACTED]
From: [REDACTED] (RMD) (FBI)
Sent: Friday, January 18, 2008 4:55 AM
To: [REDACTED] (LA) (FBI)
Subject: RE: Manual indices search - Ronald Reagan

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[REDACTED]
Thank you very much. I have one question, regarding the fourth file you listed: 100-8120 Serial 136, 161 refs. What do you mean by 161 refs.?

[REDACTED]
From: [REDACTED] (LA) (FBI)
Sent: Thursday, January 17, 2008 10:32 AM
To: [REDACTED] (RMD) (FBI)
Subject: RE: Manual indices search - Ronald Reagan

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[REDACTED]
Los Angeles manual indices revealed the following files prior to January 1, 1979: 157-6457 main (3/1971), 80-3-5183 ref (7/1978), 80-579 main (3/1965), 100-8120 Serial 136, 161 refs. (date unavailable), 116-70463 main, 161-2715 main (dates unavailable), 66-6575 Serial 52 ref (7/77), 9-4835 main (6/72), 9-4875 main (7/72), 9-5770 main (11/75), 44-3130 main (6/76), 100-75300 main (7/70), 100-76832 main (12/70), 100-77477 main (3/71), 100-79066 main (11/71), 100-79981 main (5/72), 100-86769 main (4/76), 174-740 main (10/71)

From: [REDACTED] (LA) (FBI)
Sent: Monday, January 07, 2008 7:00 AM
To: [REDACTED] (LA) (FBI)
Subject: FW: Manual indices search - Ronald Reagan

UNCLASSIFIED
NON-RECORD

FOIPA ...

From: [REDACTED] (RMD) (FBI)
Sent: Friday, January 04, 2008 6:09 AM
To: [REDACTED] (SD) (FBI); [REDACTED] (SC) (FBI); [REDACTED] (WE) (FBI); [REDACTED]
(LA) (FBI); [REDACTED] (WF) (FBI)
Subject: Manual indices search - Ronald Reagan

UNCLASSIFIED
NON-RECORD

Please search your office's manual indices for Ronald Wilson Reagan, the former U.S. President. He was born on 2/6/1911 and died in June 2004. Please search **main and reference files** as this is for a FOIA litigation. In particular, I need all records prior to January 1, 1979 and no later.

Thank you for your help,

[REDACTED]
Legal Administrative Specialist
Records Management Division
ICRC-2, Winchester, VA
Room GR-N13
540 [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

b6
b7C

[REDACTED] (LA) (FBI)

From: [REDACTED] (RMD) (FBI)
Sent: Tuesday, February 12, 2008 12:05 PM
To: [REDACTED] (LA) (FBI)
Subject: RE: RONALD REAGAN

UNCLASSIFIED
NON-RECORD

Thank you for letting me know.

[REDACTED]

From: [REDACTED] (LA) (FBI)
Sent: Tuesday, February 12, 2008 3:04 PM
To: [REDACTED] (RMD) (FBI)
Subject: RONALD REAGAN

UNCLASSIFIED
NON-RECORD

[REDACTED]

I am working on your request re requested files concerning subject. I will advise you when they are being shipped out.

[REDACTED]

UNCLASSIFIED

UNCLASSIFIED

FIELD OFFICE FILE REQUEST FORM

b6
b7C

HEADQUARTERS INFORMATION

FIELD OFFICE INFORMATION

LAS

NAME

LEGAL UNIT
LOS ANGELES

FOIPA No.

REQUESTER'S NAME

SUBJECT'S NAME *RONALD WILSON REAGAN*

FILES REQUESTED:

100-179066

FILES SHIPPED:

SAME-ONE W/

HQ COMMENTS

FO COMMENTS

The FO must complete this form,
sign the statement below and
enclose it with the FO files
before mailing.

Ship to: FBI

170 Marcel Drive

Winchester, VA 22602

Proposed Statement:

Classification (*Unclassified*) place the classification level here).

I, *[redacted]*, certify there are not any records classified above
the secret level, coded SCI, or are otherwise considered sensitive in the enclosed package.
If/when opened by RIDS/Security or the DocLab in Winchester and sensitive, SCI or
classified above the secret level are found in this package, RMD reserves the right to
contact your Security Officer and the RMD Security Office.

Signed

*file
shipped-
3/19*

b6
b7C

[redacted] (LA) (FBI)

From: [redacted]
Sent: Thursday, June 24, 2004 8:59 AM
To: [redacted] (LA) (FBI)
Subject: Re: RE: FOIA Request

Mains only

>>> [redacted] (LA) (FBI) 06/24 11:26 AM >>>
UNCLASSIFIED
NON-RECORD

[redacted]
Should I search for main only or main and references.
Thanks

-----Original Message-----

From: [redacted]
Sent: Wednesday, June 23, 2004 12:56 PM
To: [redacted] (LA) (FBI)
Subject: FOIA Request

I have a FOIA request for information on Ronald Wilson Reagan, please search
your manual indices for records

Room 6359

Ext [redacted]

Thanks

UNCLASSIFIED

190-C2-2519

To: Administrative Officer

Date

6/24/04

Requested by:

Ext.

Squad

File No.

Subject

Ronald Wilson Reagan

Social Security Account #

480-07-7456

Aliases

Address

Birth Date

2-6-11

Place of Birth

Tampico, IL

Race

Sex

☐ Male☐ Female

Telephone #'s

☐ Exact Spelling☐ Main Criminal Case File Only☐ Restrict Locality of☐ All References☐ Criminal References Only☐ Main Security Case Files Only☐ Main Security (If no Main, list all Security References)☐ Security Reference Only☐ Main Criminal (If no Main, list all Criminal References)☐ Manual Indices☐ Neg.☐ Pos.☐ Telephone Appl☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Confidential Indices: ☐ Neg.☐ Pos.☐ CLEA☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ UNI (Global)☐ Neg.☐ Pos.☐ IIIA☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Drug X (DEA Only) ☐ Neg.☐ Pos.☐ CISP☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Elsur Indices☐ Neg.☐ Pos.☐ Other☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

☐ Other☐ Neg.☐ Pos.☐ Other☐ Neg.☐ Pos.

Searched by

Date

Searched by

Date

File & Serial Number

Remarks

Ronald Wilson Reagan

File & Serial Number

Remarks

80-579 *

116-70463 *

161-2715 *

Consolidated by

Date

Reviewed by

Date

File Review Symbols
? - Not Identifiable

[- Identical

NI - Not identical

[U- Unavailable reference

211-00-3 8-81

REAGAN, RONALD W.

President of the
United States of
America

211-00-10 2-85 REAGAN, RONALD W.

The President
Re: Ethics in Government ACT
of 1978, Airtel from Director
FBI, to all SACs and Legats,
dated 10/29/84

175-0-1623

4/85 REAGAN, RONALD

re: Bruce Wayne Weathers

9-0-2424

2/85 REAGAN, RONALD

President
Victim

175-0-1569

9/84 REAGAN, RONALD

Letter received
from Van Nuys, Ca.
threatening the
President

175-0-1557 8/84 REAGAN, RONALD

re travel to Los Angeles,
7/28/84

175-206* 7/84 REAGAN, RONALD (PRESIDENT)

re Rosa Garcia and
Margarita Pacheco; threat
during the 1984 Summer
Olympics, Los Angeles, CA

175-0-1523 4/84 REAGAN, RONALD

re information concerning
possible plan to assault;
note found at Jack-in-
the-Box restaurant, Lompoc,
CA

175-0-1504 2/84 REAGAN, RONALD

President of USA
re possible threat in
Honolulu, HI

175-0-1485 11/83 REAGAN, RONALD

President
re: Unsub, aka
Big Brother, Bob Delgado
Possible threat to President

175-198*

11/83

REAGAN, RONALD

Victim
President of U.S.A.
re plan to assassinate
during forthcoming visit
to the Far East, 11/83

175-197*

10/83

REAGAN, RONALD

OO: SV 175-46
President
Victim

175-195*

7/83

REAGAN, RONALD (PRESIDENT)

Victim
re threatening letters in
envelopes postmarked Van
Nuys, CA

175-193*

3/83

REAGAN, RONALD (PRESIDENT)

OO: CV
Victim
re threats by unnamed
group of Cubans working
for the KGB

175-0-1436

10/82

REAGAN, RONALD

re visit to Tijuana,
Mexico, 10/8/82

9-7181*

1/82

REAGAN, RONALD

President
Victim
re

b7C

175-0-1374 11/81 REAGAN, RONALD (PRESIDENT)

re visit to Los Angeles,
11/22-30/81

9-0-2220 5/81 REAGAN, RONALD (PRESIDENT)

re [REDACTED]
threats against the
President

b7C

175-173* 3/81 REAGAN, RONALD (PRESIDENT)

OO: WFO
Victim

199-679* 1/81 REAGAN, RONALD

Victim
re: Threat against the President-
Elect of the United States

175-170*

12/80

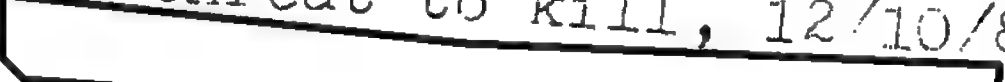
REAGAN, RONALD

re unsubs; threat to
assassinate Ronald Reagan

175-0-1285

12/80

REAGAN, RONALD

re threat to kill, 12/10/80;


b7C

175-0-1286

12/80

REAGAN, RONALD

re visit to Los Angeles,
12/13-15/80

175-0-1203 12/79 , REAGAN, RONALD

re: Travel of Presidential
Candidate Ronald Reagan.

157-6457* 3/71 REAGAN, RONALD'S APPEARANCE AT
LOS ANGELES TRADE-TECHNICAL
SCHOOL, FOUR ZERO ZERO WEST
WASHINGTON BOULEVARD, LOS
ANGELES, CALIFORNIA

Re: Possible Demonstration
on 3-24-71

175-0-1283 12/80 REAGAN, RONALD

re Douglas Young, threat to
assassinate Ronald Reagan

175-0-1295 1/81 REAGAN, RONALD

re visit to Los Angeles,
1/8-14/81

175-0-1204 12/79 REAGAN, RONALD

re: Travel of Presidential
Candidate

175-204* 6/84 REAGAN, RONALD

Threat Against President
6-6-84
Re: Unsub

175-0-1210 1/80 REAGAN, RONALD

Travel of Presidential
Candidate from Los Angeles
International Airport
1/23/80

175-0-1206 1/80 REAGAN, RONALD

re: Travel of Presidential
Candidate

89-0-139 1/80 REAGAN, RONALD

Re: Travel of Presidential
candidate departing Los
Angeles International Airport
1/28/80 to Boston, Massachu-
setts.

- 89-0-141 2/80 REAGAN, RONALD

ND

Re: Arrival of Presidential
candidate Ronald Reagan at
Los Angeles on 2/10/80.

89-0-146 3/80 REAGAN, RONALD

ND

Re: Arrival in Los Angeles
3-19-80

89-0-149 4/80 REAGAN, RONALD

Presidential Candidate
Re: Arrival to Los Angeles
4-1-80

89-0-151 4/80 REAGAN, RONALD

Re: Travel to Los Angeles
4-11-80

89-0-153 4/80 REAGAN, RONALD

Presidential Candidate
Re: Arrival to LAX
4/24/80

89-0-152 4/80 REAGAN, RONALD

Presidential Candidate
Re: Arrival at LAX
4-18-80

89-0-156 5/80 REAGAN, RONALD

Presidential Candidate
Re: Arrival to Los Angeles
on 5-5-80 and departing for
Portland 5-9-80

89-0-154 5/80 REAGAN, RONALD

Presidential Candidate
Re: Travel to Airesearch at
LAX from residence in Pacific
Palisades 4-30-80

89-0-160 5/80 REAGAN, RONALD

Presidential candidate
Re: Arrival in Los Angeles
5-19-80

89-0-168 5/80 REAGAN, RONALD

Presidential candidate
Re: Attending function at
Anaheim Stadium, 6/2/80

9-6853* 7/80 REAGAN, RONALD

VICTIM
Presidential candidate

175-0-1241 8/80 REAGAN, RONALD

re arrival at Los Angeles,
8/5/80

175-0-1244 8/80 REAGAN, RONALD

re visit to Los Angeles,
8/20/80

175-0-1254 9/80 REAGAN, RONALD

re visit to Los Angeles,
9/26/80

175-0-1263 10/80 REAGAN, RONALD

re visit to Los Angeles,
10/10-13/80

175-0-1270 11/80 REAGAN, RONALD

re visit to Los Angeles,
11/3-4/80

157-0-1067 10/80 REAGAN, RONALD

Re: Demonstration at
headquarters

175-0-1276 11/80 REAGAN, RONALD

re visit to Los Angeles,
11/14-18/80

175-0-1279 11/80 REAGAN, RONALD

re visit to Los Angeles,
11/21-30/80

175-0-1291 12/80 REAGAN, RONALD

re threat against the life
of Ronald Reagan received
at the Los Angeles Times

175-0-1293 12/80 REAGAN, RONALD

re protection of, 12/20/80-
1/5/81

175-0-1178 8/79 REAGAN, RONALD

Re: Threat to assassinate
Ronald Reagan

9-4835* ✓	6/72	REAGAN, RONALD
9-4875* ✓	7/72	
9-5770* ✓	11/75	aka Ronald Wilson Reagan
44-3130* ✓	6/76	DOB 2/6/11
100-75300* ✓	7/70	POB Tampico, Illinois
100-76832* ✓	12/70	Governor of California
100-77477* ✓	3/71	
100-79066* ✓	11/71	
100-79981* ✓	5/72	
100-86769*	4/76	
174-740* ✓	10/71	

also see Master Card

175-0-1273 12/80 REAGAN, RONALD

re unsubs; threats against
president-elect Ronald
Reagan

MASTER CARD (2)		REAGAN, RONALD
80-579*	3/65	
116-70463*	1/67	aka Ronald Wilson Reagan
161-2715*	1/75	DOB 2/6/11
		POB Tampico, ILL.
<u>See summary memo dated 7-20-76, serial 80-579-59</u>		

80-579* 3/65 MASTER CARD (1) REAGAN, RONALD
100-3120-136 9/59
100-8120-161 3/65 DOB: 2/6/11, Tampico,
116-70463* 1/67 Illinois
Screen Actor & TV Res: 1669 San Onofre Dr
Producer. Pacific Palisades,
Former president of Calif (3/65)
Screen Actors Guild Governor, California

See summary memo dated 9/28/59 ser. 80-579-2 and
100-3120-136. (SCREEN ACTOR'S GUILD)

See summary memo dated 3/9/65 ser. 80-579-3 and
100-8120-161. (SCREEN ACTOR'S GUILD)

See summary memo dated 1/27/67, ser. 116-70463-3.

See summary memo dated 2-11-75, ser. 80-579-58

FD-160 (Rev. 7-22-02)

To: Administrative Officer

Date

8/14/07

Requested by

Ext

File No.

Social Security Account #

Subject

Ronald Reagan - deceased - President

Aliases

Address

DECLASSIFIED BY 65179 DMH/SPT/CH
ON 09-22-2008

Birth Date

Place of Birth

Race

Sex

☒ Male☐ Female

Telephone #'s

☐ Exact Spelling☐ All References☒ Main Security Case Files Only☒ Security Reference Only☒ Manual Indices ☐ Neg.☐ Main Criminal Case File Only☐ Criminal References Only☒ Main Security (If no Main, list all Security References)☒ Main Criminal (If no Main, list all Criminal References)☒ Pos.☐ Restrict Locality of☐ Telephone Appl.☐ Neg.☐ Pos.

Searched by

Date

8/14/07

Searched by

Date

☒ Confidential Indices☐ Neg.☐ Pos.

Date

8/14/07

☐ CLEA☐ Neg.☐ Pos.

Searched by

Date

☒ UNI (Global)☐ Neg.☒ Pos.

Date

8/14/07

☐ IIIA☐ Neg.☐ Pos.

Searched by

Date

☐ Drug X (DEA Only)☐ Neg.☐ Pos.

Searched by

Date

☐ CISP☐ Neg.☐ Pos.

Searched by

Date

☒ Elsur Indices☐ Neg.☒ Pos.

Date

8/11/07

☐ Other☐ Neg.☐ Pos.

Searched by

Date

☐ Other☐ Neg.☐ Pos.

Searched by

Date

☐ Other☐ Neg.☐ Pos.

Searched by

Date

File & Serial Number

Remarks

File & Serial Number

Remarks

95-1509-2* 6/85 - Pocateello

175-164* 4/82 - Pocateello

175-167* 10/82 - Pocateello

175-170* 1/83 - Pocateello

175-171* 1/83 - Pocateello

80-58* 3/67 destroyed 2/78

100-12382-123 6/61 Pocateello

175-11* 6/68 - destroyed 3/78

Reviewed by

Date

I - Identical

NI - Not identical

File Review Symbols

? - Not identifiable

U - Unavailable reference

~~SECRET~~

08/14/2007
18:09:05.5

INTERCEPT

ELPRFULL

~~SECRET~~

Batch: KRA 01/21/1967

Name (S) REAGAN, RONALD
Law
Source [REDACTED] b1
FOFile
BUFile 000-

(S)	Date	Count	Page-Time	1D Number
1)	[REDACTED]	1	b1	

Total Intercepts 1

not SD

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1.6)
DATE 09-22-2008

~~SECRET~~

08/14/2007
18:09:26.6

INTERCEPT

ELPRFULL

b2

~~SECRET~~

(S)
Name
Law
Source
FOFile
BUFile

REAGAN, RONALD

Batch: KRA 04/25/1967

b1

000-

(S)	Date	Count	Page-Time	1D Number
1	[REDACTED]	1	b1	

Total Intercepts 1

not SD

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 09-22-2008

~~SECRET~~

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION**Precedence:** ROUTINE**Date:** 09/27/2006**To:** Washington Field**Attn:** A/ADIC Joseph Persichini
CDC [REDACTED]**From:** WFO

Office of Division Counsel

Contact: [REDACTED]b6
b7C**Approved By:** [REDACTED]**Drafted By:** [REDACTED] cah**Case ID #:** 190-C1-SUB C (Closed)**Title:** FREEDOM OF INFORMATION - PRIVACY ACT MATTERS**Synopsis:** Destruction of records.

Details: This is to advise that, in accordance with MAOP,
~~Part 2-4.5.2(8.a), all documents in this sub section (serials~~
~~1 through 380) have been destroyed, with the exception of the~~
following serials:

216
218
280
321
374

33

This sub section was originally opened as a
repository for Privacy Act requests of FBI on-board employees.

♦♦

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-22-2008 BY 65179 DMH/SPT/CH

SECRET

(01/26/1998)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/21/2000

To: SAC, Washington Metropolitan Field Office

Attn: [REDACTED]

b6
b7C

From: Director's Office,
Office of Public and Congressional Affairs,
FOIPA Section, Litigation Unit, Rm 6994
Contact: [REDACTED] Ext. [REDACTED]

Approved By: [REDACTED] *JMK/OW*

Drafted By: [REDACTED]: RSW

Case ID #: 190-HQ-1268485 (Open)

Title: SETH ROSENFELD
FOIPA MATTER
Regarding RONALD REAGAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Synopsis: Return of WMFO raw files.

Package Copy: Being forwarded under separate cover are the
following WMFO files in one yellow envelope:

(S)

56-515 section 1

[REDACTED]

b1

100-18827-207

(S)

161-2076, section 1
161-10227, section 1
175-212, section 1

Enclosures: Raw documents from the above identified WMFO
files.

Details: The FOIPA request matter concerning the request of
Seth Rosenfeld for records concerning RONALD REAGAN is closed.

DATE: 09-22-2008
CLASSIFIED BY 65179 DMH/SPT/CH
REASON: 1.4 (c,d)
DECLASSIFY ON: 09-22-2033

190-1-316 E

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 23 2000	
FBI - WASHINGTON FIELD	

SECRET

SECRET

p.13

(03/31/95)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/23/1996

To: Information Resources Division Attn: Mrs. [REDACTED]
FOIPA Section
Room 6289
FCS/IPU

From: WMFO

Squad A-6, FOIPA Section

Contact: [REDACTED]

WCF/K3
Approved By: [REDACTED]

Drafted By: [REDACTED]

hcp

File Number(s): 190-33829 (HQ)
190-1✓
66-5662

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Title: FOIA REQUEST FROM SETH ROSENFELD FOR
INFORMATION CONCERNING RONALD REAGAN

Synopsis: Forwarding responsive files to FBIHQ.

Reference: HQ airtel to WMFO dated 12/4/95.

Enclosures: Four main files and four cross references.

Details: Enclosed for HQ are the following original main
files and cross references:

175-212	(WF main file)
56-515	(WF main file)
161-2876	(AX main file)
161-10227	(WF main file)
100-18827-207	(WF cross reference)
[REDACTED]	(WF cross reference)
[REDACTED]	(WF cross reference)
[REDACTED]	(WF cross reference)

b1
(S)

DATE: 09-22-2008
CLASSIFIED BY 65179 DMH/SPT/CH
REASON: 1.4 (c,d)
DECLASSIFY ON: 09-22-2033

190-1-316A
Searched
Serialized
Indexed
Filed

SECRET

A-6

TRANSMIT VIA: AIRTELCLASSIFICATION: UnclassifiedDATE: 12/4/95

FROM: Director, FBI (190-33829)

TO: SAC, Los Angeles
SAC, Sacramento
SAC, San Diego
SAC, San Francisco
SAC, Washington Metropolitan Field Office
Attention: Chief Division Counsel

FOIA REQUEST FROM SETH ROSENFELD FOR INFORMATION CONCERNING
RONALD REAGAN

For the information of the receiving offices, the FBI and the Department of Justice are currently in settlement negotiations with SETH ROSENFELD in an attempt to reach a settlement agreement concerning approximately 317,000 pages of FBI records which are responsive to his numerous Freedom of Information - Privacy Acts (FOIPA) requests. As part of this settlement agreement, ROSENFELD has asked that the FBI also process all responsive information from its files (LA, SC, SD, SF, WMFO and all offices of origin) concerning RONALD REAGAN, former President of the United States, from the earliest records up until 1/1/79. Identifying data regarding REAGAN is:

DOB: 2/6/11
POB: Tampico, Illinois

REAGAN was an ex officio of the University of California from 1966-1978. Also, see attached page 2697 from "Who's Who" concerning REAGAN.

b6
b7C
Each receiving office should immediately conduct complete and thorough searches of its indices (including ELSUR indices) for all information concerning REAGAN from the earliest record to 1/1/79. All responses, including approximate page counts, should be submitted by airtel to the attention of [redacted] FOIPA Section, Room 6975. Should any receiving office have questions, please contact [redacted] at (202) [redacted]

Enclosure

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-22-2008 BY 65179 DMH/SPT/CH

190-1-316
Rep [initials]

Received
FOIA office
12-18-95
JCP

DEC 11 1995

JCP

To: Administrative Officer

Subject

Aliases

Address

☐ Exact Spelling

☐ All References

☐ Main Security Case Files Only

☐ Security References Only

☐ Main Criminal Case Files Only

☐ Criminal References Only

☐ Main Security (If no Main, list all Security References)

☐ Main Criminal (If no Main, list all Criminal References)

☐ Restrict Locality of

☒ ☐ NEG ☒ POS

☐ Confidential Indices: ☐ NEG ☐ POS

☐ ELSUR Indices: ☐ NEG ☐ POS

☒ ☐ NEG ☒ POS

☐ GLOBAL: ☐ NEG ☐ POS

Date

Requested by:

Exl.

Squad:

File No.

Social Security Account #

12-19-95

b6

b7C

A-6

AX & WF refs. only
RONALD REAGAN

TIME PERIOD V

EARLIEST RECORDS TO 1-1-79

Birth Date

2-6-11

Birth Place

TAMPICO, ILL

Race

W

Sex

☒ Male
☐ Female

b6

b7C

1-18-96

☐ ISIS:

☐ NEG ☐ POS

☐ OCIS:

☐ NEG ☐ POS

☐ IIS:

☐ NEG ☐ POS

☐ MICRO:

☐ NEG ☐ POS

☐ REGIONAL:

☐ NEG ☐ POS

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast

Legats

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| <input type="checkbox"/> Albany | <input type="checkbox"/> Athens | <input type="checkbox"/> Madrid |
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| <input type="checkbox"/> New Haven | <input type="checkbox"/> Bern | <input type="checkbox"/> Mexico City |
| <input type="checkbox"/> New York City | <input type="checkbox"/> Bogota | <input type="checkbox"/> Montevideo |
| <input type="checkbox"/> Newark | <input type="checkbox"/> Bonn | <input type="checkbox"/> Ottawa |
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| <input type="checkbox"/> All above | <input type="checkbox"/> Brussels | <input type="checkbox"/> Paris |
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| | <input type="checkbox"/> London | |

Mid-Atlantic

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| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Norfolk |
| <input type="checkbox"/> Charlotte | <input type="checkbox"/> Quantico |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Richmond |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> San Juan |
| <input type="checkbox"/> Jacksonville | <input type="checkbox"/> Tampa |
| <input type="checkbox"/> Knoxville | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Memphis | <input type="checkbox"/> Field |
| <input type="checkbox"/> Miami | <input type="checkbox"/> All above |

Central

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| <input type="checkbox"/> Cincinnati | <input type="checkbox"/> Milwaukee |
| <input type="checkbox"/> Cleveland | <input type="checkbox"/> Minneapolis |
| <input type="checkbox"/> Dallas | <input type="checkbox"/> Oklahoma City |
| <input type="checkbox"/> Denver | <input type="checkbox"/> Omaha |
| <input type="checkbox"/> Detroit | <input type="checkbox"/> Pittsburgh |
| <input type="checkbox"/> El Paso | <input type="checkbox"/> San Antonio |
| <input type="checkbox"/> Houston | <input type="checkbox"/> Springfield |
| <input type="checkbox"/> Indianapolis | <input type="checkbox"/> St. Louis |
| <input type="checkbox"/> Kansas City | <input type="checkbox"/> All above |

Western

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| <input type="checkbox"/> Albuquerque |
| <input type="checkbox"/> Anchorage |
| <input type="checkbox"/> Honolulu |
| <input type="checkbox"/> Las Vegas |
| <input type="checkbox"/> Los Angeles |
| <input type="checkbox"/> Phoenix |
| <input type="checkbox"/> Portland |
| <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Salt Lake City |
| <input type="checkbox"/> San Diego |
| <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Seattle |
| <input type="checkbox"/> All above |

File & Serial Number

Remarks

File & Serial Number

Remarks

"all attached"

(Forms references not in time period)

Consolidated by

Date

Reviewed by

Date

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference

FB/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-22-2008 BY 65179 DMH/SPT/CH

~~SECRET~~

REAGAN, RONALD
GOVERNOR

3-72

100-18827-207 P8

OF CALIFORNIA

NO ADDITIONAL DATA

*Serial
pulled*

(S)

REAGAN, RONALD
(GOVERNOR)

FEB 1967

b1

*Serial
pulled*

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION EXCEPT
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 09-22-2008

~~SECRET~~

REAGAN, RONALD

4 '76

56-515*

filed

ELECTION LAWS

FALSELY ATTRIBUTED CAMPAIGN LITERATURE
REGARDING THE CAMPAIGN OF RONALD REAGAN
FOR PRESIDENT:
POSSIBLE VIOLATION OF 18 U.S.C. 612

REAGAN, RONALD

1/75

161-10227*

DPOB: 2/6/11

TAMPICO, ILLINOIS

filed

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-22-2008 BY 65179 DMH/SPT/CH

REAGAN, RONALD

OO: PX
VIOL: EXT

RACE: W SEX: M

009A- 005303 M

001-01
INDEXED: 091085

LOC: AR

*not in
time period*

PRESIDENT OF THE UNITED STATES, VICTIM OF

b7C

REAGAN, RONALD

1/75

161-2876*

AX

DPOB: 2/6/11, Tampico, Illinois

*file
pulled*

REAGAN, RONALD WILSON

1/75

161-2876*

AX

(duplicate)

*file
pulled*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 09-22-2008 BY 65179 DMH/SPT/CH

REAGAN, RONALD

6/76

175-212*

UNSUB; ANONYMOUS CALL THREATENING THE
LIFE OF PRESIDENTIAL CANDIDATE RONALD
REAGAN
6/3/76

*file
pulled*

Indices Search Slip
FD-160 (Rev. 9-28-92)

To: Administrative Officer

Date	12-19-95		
Requested by:			
Ext.	Squad:	File No.	
	A-6		
Account #			

Subject

RONALD REAGAN

Aliases

Time Period ✓

Address

Earliest records up to 1-1-79

Birth Date

2-6-11

Birth Place

TAMPICO, ILL

Race

W

Sex

Male
Female☐ Exact Spelling☐ All References☐ Main Security Case Files Only☐ Security References Only☐ Main Criminal Case Files Only☐ Criminal References Only☐ Main Security (If no Main, list all Security References)☐ Main Criminal (If no Main, list all Criminal References)☐ Restrict Locality of☐ General Indices: ☐ NEG ☐ POS☐ ISIS: ☐ NEG ☐ POS

Searched by _____ Date _____

Searched by _____ Date _____

☒ Confidential Indices: ☒ NEG ☐ POS☐ OCIS: ☐ NEG ☐ POS

Searched by _____ Date _____

Searched by _____ Date _____

☐ ELSUR Indices: ☐ NEG ☐ POS☐ IIS: ☐ NEG ☐ POS

Searched by _____ Date _____

Searched by _____ Date _____

☐ FOIMS: ☐ NEG ☐ POS☐ MICRO: ☐ NEG ☐ POS

Searched by _____ Date _____

Searched by _____ Date _____

☐ GLOBAL: ☐ NEG ☐ POS☐ REGIONAL: ☐ NEG ☐ POS

Searched by _____ Date _____

Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast

Mid-Atlantic

Central

Western

Legats

- | | | |
|--|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Albany | <input type="checkbox"/> Athens | <input type="checkbox"/> Madrid |
| <input type="checkbox"/> Boston | <input type="checkbox"/> Bangkok | <input type="checkbox"/> Manila |
| <input type="checkbox"/> New Haven | <input type="checkbox"/> Bern | <input type="checkbox"/> Mexico City |
| <input type="checkbox"/> New York City | <input type="checkbox"/> Bogota | <input type="checkbox"/> Montevideo |
| <input type="checkbox"/> Newark | <input type="checkbox"/> Bonn | <input type="checkbox"/> Ottawa |
| <input type="checkbox"/> Philadelphia | <input type="checkbox"/> Bridgetown | <input type="checkbox"/> Panama City |
| <input type="checkbox"/> All above | <input type="checkbox"/> Brussels | <input type="checkbox"/> Paris |
| | <input type="checkbox"/> Canberra | <input type="checkbox"/> Rome |
| | <input type="checkbox"/> Caracas | <input type="checkbox"/> Tokyo |
| | <input type="checkbox"/> Hong Kong | <input type="checkbox"/> Vienna |
| | <input type="checkbox"/> London | |

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Atlanta | <input type="checkbox"/> Mobile |
| <input type="checkbox"/> Baltimore | <input type="checkbox"/> New Orleans |
| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Norfolk |
| <input type="checkbox"/> Charlotte | <input type="checkbox"/> Quantico |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Richmond |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> San Juan |
| <input type="checkbox"/> Jacksonville | <input type="checkbox"/> Tampa |
| <input type="checkbox"/> Knoxville | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Memphis | Field |
| <input type="checkbox"/> Miami | <input type="checkbox"/> All above |

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Buffalo | <input type="checkbox"/> Little Rock |
| <input type="checkbox"/> Chicago | <input type="checkbox"/> Louisville |
| <input type="checkbox"/> Cincinnati | <input type="checkbox"/> Milwaukee |
| <input type="checkbox"/> Cleveland | <input type="checkbox"/> Minneapolis |
| <input type="checkbox"/> Dallas | <input type="checkbox"/> Oklahoma City |
| <input type="checkbox"/> Denver | <input type="checkbox"/> Omaha |
| <input type="checkbox"/> Detroit | <input type="checkbox"/> Pittsburgh |
| <input type="checkbox"/> El Paso | <input type="checkbox"/> San Antonio |
| <input type="checkbox"/> Houston | <input type="checkbox"/> Springfield |
| <input type="checkbox"/> Indianapolis | <input type="checkbox"/> St. Louis |
| <input type="checkbox"/> Kansas City | <input type="checkbox"/> All above |

- | |
|---|
| <input type="checkbox"/> Albuquerque |
| <input type="checkbox"/> Anchorage |
| <input type="checkbox"/> Honolulu |
| <input type="checkbox"/> Las Vegas |
| <input type="checkbox"/> Los Angeles |
| <input type="checkbox"/> Phoenix |
| <input type="checkbox"/> Portland |
| <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Salt Lake City |
| <input type="checkbox"/> San Diego |
| <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Seattle |
| <input type="checkbox"/> All above |

File & Serial Number	Remarks	File & Serial Number	Remarks

Consolidated by _____

Date _____

Reviewed by _____

Date _____

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 09-22-2008 BY 65179 DMH/SPT/CH

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference

FBI/DOJ

Indices Search Slip
FD-160 (Rev. 9-28-92)

To: Administrative Officer

Subject

Aliases

Address

Date

Requested by:

Ext.

Squad:

File No.

Social Security Account #

General Indices:

☐ NEG ☐ POS

ISIS:

☐ NEG ☐ POS

Searched by

Date

Searched by

Date

☐ Confidential Indices: ☐ NEG ☐ POS

OCIS:

☐ NEG ☐ POS

Searched by

Date

Searched by

Date

☒ ~~FOI~~ Indlc ☐ NEG ☒ POS

IIS:

☐ NEG ☐ POS

Searched by

Date

Searched by

Date

☐ FOIMS: ☐ NEG ☐ POS

MICRO:

☐ NEG ☐ POS

Searched by

Date

Searched by

Date

☐ GLOBAL: ☐ NEG ☐ POS

REGIONAL:

☐ NEG ☐ POS

Searched by

Date

Searched by

Date

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast

Legats

- | | | |
|--|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Albany | <input type="checkbox"/> Athens | <input type="checkbox"/> Madrid |
| <input type="checkbox"/> Boston | <input type="checkbox"/> Bangkok | <input type="checkbox"/> Manila |
| <input type="checkbox"/> New Haven | <input type="checkbox"/> Bern | <input type="checkbox"/> Mexico City |
| <input type="checkbox"/> New York City | <input type="checkbox"/> Bogota | <input type="checkbox"/> Montevideo |
| <input type="checkbox"/> Newark | <input type="checkbox"/> Bonn | <input type="checkbox"/> Ottawa |
| <input type="checkbox"/> Philadelphia | <input type="checkbox"/> Bridgetown | <input type="checkbox"/> Panama City |
| <input type="checkbox"/> All above | <input type="checkbox"/> Brussels | <input type="checkbox"/> Paris |
| | <input type="checkbox"/> Canberra | <input type="checkbox"/> Rome |
| | <input type="checkbox"/> Caracas | <input type="checkbox"/> Tokyo |
| | <input type="checkbox"/> Hong Kong | <input type="checkbox"/> Vienna |
| | <input type="checkbox"/> London | |

Mid-Atlantic

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Atlanta | <input type="checkbox"/> Mobile |
| <input type="checkbox"/> Baltimore | <input type="checkbox"/> New Orleans |
| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Norfolk |
| <input type="checkbox"/> Charlotte | <input type="checkbox"/> Quantico |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Richmond |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> San Juan |
| <input type="checkbox"/> Jacksonville | <input type="checkbox"/> Tampa |
| <input type="checkbox"/> Knoxville | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Memphis | Field |
| <input type="checkbox"/> Miami | <input type="checkbox"/> All above |

Central

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Buffalo | <input type="checkbox"/> Little Rock |
| <input type="checkbox"/> Chicago | <input type="checkbox"/> Louisville |
| <input type="checkbox"/> Cincinnati | <input type="checkbox"/> Milwaukee |
| <input type="checkbox"/> Cleveland | <input type="checkbox"/> Minneapolis |
| <input type="checkbox"/> Dallas | <input type="checkbox"/> Oklahoma City |
| <input type="checkbox"/> Denver | <input type="checkbox"/> Omaha |
| <input type="checkbox"/> Detroit | <input type="checkbox"/> Pittsburgh |
| <input type="checkbox"/> El Paso | <input type="checkbox"/> San Antonio |
| <input type="checkbox"/> Houston | <input type="checkbox"/> Springfield |
| <input type="checkbox"/> Indianapolis | <input type="checkbox"/> St. Louis |
| <input type="checkbox"/> Kansas City | <input type="checkbox"/> All above |

Western

- | |
|---|
| <input type="checkbox"/> Albuquerque |
| <input type="checkbox"/> Anchorage |
| <input type="checkbox"/> Honolulu |
| <input type="checkbox"/> Las Vegas |
| <input type="checkbox"/> Los Angeles |
| <input type="checkbox"/> Phoenix |
| <input type="checkbox"/> Portland |
| <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Salt Lake City |
| <input type="checkbox"/> San Diego |
| <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Seattle |
| <input type="checkbox"/> All above |

File & Serial Number	Remarks	File & Serial Number	Remarks

Consolidated by

Date

Reviewed by

Date

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 09-22-2008 BY 65179 DMH/SPT/CH

1 - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference

FBI/DOJ

~~SECRET~~

EARS21B

I N T E R C E P T

12/19/95

=====

(S)

* S E C R E T *

BATCH: KRA

01/21/67

NAME REAGAN, RONALD

LAW

SOURCE

TECH

FOFILE

WF

(S)

b1

*Secret
quellid*

(S)

PAGE/TIME

TOTAL INTERCEPTS

1

1

*same as the General
India would stop*

* S E C R E T *

ENTER--F1----F2----F3----F4----F5----F6----F7----F8----F9----F10----F11----F12----

MENU MORE BACK -DATE +DATE SUBSQ

MOD NEXT

QUIT

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION EXCEPT
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 09-22-2008

~~SECRET~~

~~SECRET~~

EARS21B.

I N T E R C E P T

12/19/95

=====

(S) * S E C R E T *

BATCH: KRA

04/25/67

NAME REAGAN, RONALD

b1

LAW

SOURCE

TECH

FOFILE

WF

(S)

Serial pulled

(S)

DATES

PAGE/TIME

TOTAL INTERCEPTS

1

1

* S E C R E T *

ENTER--F1---F2---F3---F4---F5---F6---F7---F8---F9---F10---F11---F12---
MENU MORE -DATE +DATE SUBSQ MOD NEXT QUIT

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION EXCEPT
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1,6)
DATE 09-22-2008

~~SECRET~~

Indices Search Slip
FD-160 (Rev. 9-28-92)

To: Administrative Officer

AX & WF refs. only

b6
b7C

Date 12-19-95		
Requested by: _____		
Ext. _____	Squad: A-6	File No. _____
Social Security Account # _____		

Subject
RONALD REAGAN

Aliases
Time Period ✓

Address
Earliest records up to 1-1-79

Birth Date
2-6-11

Birth Place
TAMPICO, ILL

Race
W

Sex
☒ Male
☐ Female

- | | | |
|--|---|---|
| <input type="checkbox"/> Exact Spelling | <input type="checkbox"/> Main Criminal Case Files Only | <input type="checkbox"/> Restrict Locality of |
| <input type="checkbox"/> All References | <input type="checkbox"/> Criminal References Only | |
| <input type="checkbox"/> Main Security Case Files Only | <input type="checkbox"/> Main Security (If no Main, list all Security References) | |
| <input type="checkbox"/> Security References Only | <input type="checkbox"/> Main Criminal (If no Main, list all Criminal References) | |

<input type="checkbox"/> General Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input checked="" type="checkbox"/> ISIS: <i>llw</i> <i>Beutt</i> <input type="checkbox"/> NEG <input checked="" type="checkbox"/> POS 12/19/95 Searched by _____ Date _____
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> FOIMS: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____
<input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____	<input type="checkbox"/> REGIONAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast			Mid-Atlantic		Central		Western	
Legats								
<input type="checkbox"/> Albany	<input type="checkbox"/> Athens	<input type="checkbox"/> Madrid	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Mobile	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Little Rock	<input type="checkbox"/> Albuquerque	
<input type="checkbox"/> Boston	<input type="checkbox"/> Bangkok	<input type="checkbox"/> Manila	<input type="checkbox"/> Baltimore	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Chicago	<input type="checkbox"/> Louisville	<input type="checkbox"/> Anchorage	
<input type="checkbox"/> New Haven	<input type="checkbox"/> Bern	<input type="checkbox"/> Mexico City	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Norfolk	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee	<input type="checkbox"/> Honolulu	
<input type="checkbox"/> New York City	<input type="checkbox"/> Bogota	<input type="checkbox"/> Montevideo	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Quantico	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis	<input type="checkbox"/> Las Vegas	
<input type="checkbox"/> Newark	<input type="checkbox"/> Bonn	<input type="checkbox"/> Ottawa	<input type="checkbox"/> Columbia	<input type="checkbox"/> Richmond	<input type="checkbox"/> Dallas	<input type="checkbox"/> Oklahoma City	<input type="checkbox"/> Los Angeles	
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Bridgetown	<input type="checkbox"/> Panama City	<input type="checkbox"/> Jackson	<input type="checkbox"/> San Juan	<input type="checkbox"/> Denver	<input type="checkbox"/> Omaha	<input type="checkbox"/> Phoenix	
<input type="checkbox"/> All above	<input type="checkbox"/> Brussels	<input type="checkbox"/> Paris	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Tampa	<input type="checkbox"/> Detroit	<input type="checkbox"/> Pittsburgh	<input type="checkbox"/> Portland	
	<input type="checkbox"/> Canberra	<input type="checkbox"/> Rome	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Washington	<input type="checkbox"/> El Paso	<input type="checkbox"/> San Antonio	<input type="checkbox"/> Sacramento	
	<input type="checkbox"/> Caracas	<input type="checkbox"/> Tokyo	<input type="checkbox"/> Memphis	Field	<input type="checkbox"/> Houston	<input type="checkbox"/> Springfield	<input type="checkbox"/> Salt Lake City	
	<input type="checkbox"/> Hong Kong	<input type="checkbox"/> Vienna	<input type="checkbox"/> Miami	<input type="checkbox"/> All above	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> St. Louis	<input type="checkbox"/> San Diego	
	<input type="checkbox"/> London				<input type="checkbox"/> Kansas City	<input type="checkbox"/> All above	<input type="checkbox"/> San Francisco	
							<input type="checkbox"/> Seattle	
							<input type="checkbox"/> All above	

File & Serial Number	Remarks	File & Serial Number	Remarks

(Not in time period)

Consolidated by _____ Date _____

Reviewed by _____ Date _____

File Review Symbols

I - Identical	? - Not identifiable
NI - Not identical	U - Unavailable reference

Indices Search Slip
FD-160 (Rev. 9-28-92)

To: Administrative Officer

Date

12-19-95

Requested by:

b6
b7C

Ext.

Squad:

File No.

A-6

Social Security Account #

Subject

AX & WF refs. only
RONALD REAGAN

Aliases

Time Period ✓

Address

Earliest records up to 1-1-79

Birth Date

2-6-11

Birth Place

TAMPICO, ILL

Race

W

Sex

Male
Female☐ Exact Spelling☐ All References☐ Main Security Case Files Only☐ Security References Only☐ Main Criminal Case Files Only☐ Criminal References Only☐ Main Security (If no Main, list all Security References)☐ Main Criminal (If no Main, list all Criminal References)☐ Restrict Locality of☐ General Indices:☐ NEG☐ POS☐ ISIS:☐ NEG☐ POS

Searched by

Date

Searched by

Date

☐ Confidential Indices:☐ NEG☐ POS☒ OCIS:☒ NEG☐ POS

Searched by

Date

Searched by

Date

☐ ELSUR Indices:☐ NEG☐ POS☐ IIS:☐ NEG☐ POS

Searched by

Date

Searched by

Date

☐ FOIMS:☐ NEG☐ POS☐ MICRO:☐ NEG☐ POS

Searched by

Date

Searched by

Date

☐ GLOBAL:☐ NEG☐ POS☐ REGIONAL:☐ NEG☐ POS

Searched by

Date

Searched by

Date

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast

Legats

- | | | |
|--|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Albany | <input type="checkbox"/> Athens | <input type="checkbox"/> Madrid |
| <input type="checkbox"/> Boston | <input type="checkbox"/> Bangkok | <input type="checkbox"/> Manila |
| <input type="checkbox"/> New Haven | <input type="checkbox"/> Bern | <input type="checkbox"/> Mexico City |
| <input type="checkbox"/> New York City | <input type="checkbox"/> Bogota | <input type="checkbox"/> Montevideo |
| <input type="checkbox"/> Newark | <input type="checkbox"/> Bonn | <input type="checkbox"/> Ottawa |
| <input type="checkbox"/> Philadelphia | <input type="checkbox"/> Bridgetown | <input type="checkbox"/> Panama City |
| <input type="checkbox"/> All above | <input type="checkbox"/> Brussels | <input type="checkbox"/> Paris |
| | <input type="checkbox"/> Canberra | <input type="checkbox"/> Rome |
| | <input type="checkbox"/> Caracas | <input type="checkbox"/> Tokyo |
| | <input type="checkbox"/> Hong Kong | <input type="checkbox"/> Vienna |
| | <input type="checkbox"/> London | |

Mid-Atlantic

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Atlanta | <input type="checkbox"/> Mobile |
| <input type="checkbox"/> Baltimore | <input type="checkbox"/> New Orleans |
| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Norfolk |
| <input type="checkbox"/> Charlotte | <input type="checkbox"/> Quantico |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Richmond |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> San Juan |
| <input type="checkbox"/> Jacksonville | <input type="checkbox"/> Tampa |
| <input type="checkbox"/> Knoxville | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Memphis | Field |
| <input type="checkbox"/> Miami | <input type="checkbox"/> All above |

Central

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Buffalo | <input type="checkbox"/> Little Rock |
| <input type="checkbox"/> Chicago | <input type="checkbox"/> Louisville |
| <input type="checkbox"/> Cincinnati | <input type="checkbox"/> Milwaukee |
| <input type="checkbox"/> Cleveland | <input type="checkbox"/> Minneapolis |
| <input type="checkbox"/> Dallas | <input type="checkbox"/> Oklahoma City |
| <input type="checkbox"/> Denver | <input type="checkbox"/> Omaha |
| <input type="checkbox"/> Detroit | <input type="checkbox"/> Pittsburgh |
| <input type="checkbox"/> El Paso | <input type="checkbox"/> San Antonio |
| <input type="checkbox"/> Houston | <input type="checkbox"/> Springfield |
| <input type="checkbox"/> Indianapolis | <input type="checkbox"/> St. Louis |
| <input type="checkbox"/> Kansas City | <input type="checkbox"/> All above |

Western

- | |
|---|
| <input type="checkbox"/> Albuquerque |
| <input type="checkbox"/> Anchorage |
| <input type="checkbox"/> Honolulu |
| <input type="checkbox"/> Las Vegas |
| <input type="checkbox"/> Los Angeles |
| <input type="checkbox"/> Phoenix |
| <input type="checkbox"/> Portland |
| <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Salt Lake City |
| <input type="checkbox"/> San Diego |
| <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Seattle |
| <input type="checkbox"/> All above |

File & Serial Number	Remarks	File & Serial Number	Remarks

Consolidated by

Date

Reviewed by

Date

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference

Indices Search Slip
FD-160 (Rev. 9-28-92)

To: Administrative Officer

Subject

Aliases

Address

- ☐ Exact Spelling
☐ All References
☐ Main Security Case Files Only
☐ Security References Only

- ☐ Main Criminal Case Files Only
☐ Criminal References Only
☐ Main Security (If no Main, list all Security References)
☐ Main Criminal (If no Main, list all Criminal References)

☐ General Indices: ☐ NEG ☐ POS

Searched by _____ Date _____

☐ Confidential Indices: ☐ NEG ☐ POS

Searched by _____ Date _____

☐ ELSUR Indices: ☐ NEG ☐ POS

Searched by _____ Date _____

☐ FOIMS: ☐ NEG ☐ POS

Searched by _____ Date _____

☐ GLOBAL: ☐ NEG ☐ POS

Searched by _____ Date _____

Date

Requested by: _____

Ext. _____

Squad: **A-6**

File No. _____

Social Security Account # _____

b6
b7C**12-19-95****AX E. WF. refs. only****RONALD REAGAN****Time Period ✓**

Birth Date

Birth Place

Race

Sex

2-6-11**TAMPICO, ILL****W**☒ Male
☐ Female
☐ ISIS: ☐ NEG ☐ POS

Searched by _____ Date _____

☐ OCIS: ☐ NEG ☐ POS

Searched by _____ Date _____

☒ IIS: ☐ NEG ☐ POS
Searched by _____ Date **12/17/95**
☐ MICRO: ☐ NEG ☐ POS

Searched by _____ Date _____

☐ REGIONAL: ☐ NEG ☐ POS

Searched by _____ Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast

Legats

- | | | |
|--|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Albany | <input type="checkbox"/> Athens | <input type="checkbox"/> Madrid |
| <input type="checkbox"/> Boston | <input type="checkbox"/> Bangkok | <input type="checkbox"/> Manila |
| <input type="checkbox"/> New Haven | <input type="checkbox"/> Bern | <input type="checkbox"/> Mexico City |
| <input type="checkbox"/> New York City | <input type="checkbox"/> Bogota | <input type="checkbox"/> Montevideo |
| <input type="checkbox"/> Newark | <input type="checkbox"/> Bonn | <input type="checkbox"/> Ottawa |
| <input type="checkbox"/> Philadelphia | <input type="checkbox"/> Bridgetown | <input type="checkbox"/> Panama City |
| <input type="checkbox"/> All above | <input type="checkbox"/> Brussels | <input type="checkbox"/> Paris |
| | <input type="checkbox"/> Canberra | <input type="checkbox"/> Rome |
| | <input type="checkbox"/> Caracas | <input type="checkbox"/> Tokyo |
| | <input type="checkbox"/> Hong Kong | <input type="checkbox"/> Vienna |
| | <input type="checkbox"/> London | |

Mid-Atlantic

- | | |
|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Atlanta | <input type="checkbox"/> Mobile |
| <input type="checkbox"/> Baltimore | <input type="checkbox"/> New Orleans |
| <input type="checkbox"/> Birmingham | <input type="checkbox"/> Norfolk |
| <input type="checkbox"/> Charlotte | <input type="checkbox"/> Quantico |
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Richmond |
| <input type="checkbox"/> Jackson | <input type="checkbox"/> San Juan |
| <input type="checkbox"/> Jacksonville | <input type="checkbox"/> Tampa |
| <input type="checkbox"/> Knoxville | <input type="checkbox"/> Washington |
| <input type="checkbox"/> Memphis | Field |
| <input type="checkbox"/> Miami | <input type="checkbox"/> All above |

Central

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Buffalo | <input type="checkbox"/> Little Rock |
| <input type="checkbox"/> Chicago | <input type="checkbox"/> Louisville |
| <input type="checkbox"/> Cincinnati | <input type="checkbox"/> Milwaukee |
| <input type="checkbox"/> Cleveland | <input type="checkbox"/> Minneapolis |
| <input type="checkbox"/> Dallas | <input type="checkbox"/> Oklahoma City |
| <input type="checkbox"/> Denver | <input type="checkbox"/> Omaha |
| <input type="checkbox"/> Detroit | <input type="checkbox"/> Pittsburgh |
| <input type="checkbox"/> El Paso | <input type="checkbox"/> San Antonio |
| <input type="checkbox"/> Houston | <input type="checkbox"/> Springfield |
| <input type="checkbox"/> Indianapolis | <input type="checkbox"/> St. Louis |
| <input type="checkbox"/> Kansas City | <input type="checkbox"/> All above |

Western

- | |
|---|
| <input type="checkbox"/> Albuquerque |
| <input type="checkbox"/> Anchorage |
| <input type="checkbox"/> Honolulu |
| <input type="checkbox"/> Las Vegas |
| <input type="checkbox"/> Los Angeles |
| <input type="checkbox"/> Phoenix |
| <input type="checkbox"/> Portland |
| <input type="checkbox"/> Sacramento |
| <input type="checkbox"/> Salt Lake City |
| <input type="checkbox"/> San Diego |
| <input type="checkbox"/> San Francisco |
| <input type="checkbox"/> Seattle |
| <input type="checkbox"/> All above |

b6
b7C

File & Serial Number	Remarks	File & Serial Number	Remarks

Consolidated by _____

Date _____

Reviewed by _____

Date _____

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference

(SC) (FBI)

To: [REDACTED] (RMD) (FBI)
Subject: RE: LITIGATION with short deadline

Good Morning [REDACTED] am sending (Bumail today) & faxing copies of emails, file charge-outs and request forms relating to Ronald Reagan and Herbert Ellingwood. I am unable to locate information on the other subjects. Question: What are "80" Files-FOIPA #1049330. Thank you, [REDACTED] OSS-Sacramento-916-[REDACTED]

From: [REDACTED] (SC) (FBI)
Sent: Friday, August 29, 2008 1:00 PM
To: [REDACTED] (SC) (FBI)
Subject: FW: LITIGATION with short deadline
Importance: High

UNCLASSIFIED
NON-RECORD

From: [REDACTED] (RMD) (FBI)
Sent: Friday, August 29, 2008 8:39 AM
To: [REDACTED] (SC) (FBI); [REDACTED] (WF) (FBI); [REDACTED] (WF) (FBI); [REDACTED] (SD)
(FBI); [REDACTED] (SF) (FBI)
Cc: [REDACTED] (RMD) (FBI); [REDACTED] (RMD) (FBI); [REDACTED] (OGC) (FBI)
Subject: FW: LITIGATION with short deadline
Importance: High

UNCLASSIFIED
NON-RECORD

Hi All,

I am working on a litigation for requester Seth Rosenfeld. **THIS LITIGATION HAS A VERY SHORT DEADLINE!** The subjects of this litigation are as follows:

Ronald Reagan (FOIPA #1089424),
Herbert Ellingwood (FOIPA #1049408),
Roy Brewer (FOIPA #1063060),
Neil Reagan (FOIPA #1017395),
Alexander Sherriffs (FOIPA #1001628),
"80" Files (FOIPA #1049330),
Motion Picture Industry Council (FOIPA #1050646 & #1076785),
Labor League of Hollywood Voters (FOIPA #1050649), and the
Motion Picture Alliance for the Preservation of American Ideals (FOIPA #1050648).

A part of this litigation is to release all search slips to the requester that were created in order to process the FOIPA requests. I am requesting that copies of the search slips and any documentation between your office & FBIHQ regarding the manual and any other searches be sent to me via fax & through Bumail **ASAP**. If I could have your response by COB on 9/4/08, I would really appreciate it. My fax number is (202) [REDACTED] My room number at FBIHQ is 6941. If you have any questions, please contact me at (202) [REDACTED]

Thanks so much for your prompt assistance in this matter.

FIELD OFFICE FILE REQUEST FORM

HEADQUARTERS INFORMATION

FIELD OFFICE INFORMATION

LAS

NAME Sacramento

FOIPA No.

REQUESTER'S NAME

SUBJECT'S NAME:

FOIA request -
Ronald Reagan

FILES REQUESTED:

FILES SHIPPED:

100-2093	183-115 serial 40
100-3107	183-142 serial 19
100-3388	183-218 serial 20
100A-8101 serial 98	183-312 serial 11
105-434 serial 35	183-79 serial 206
175-00 serial 59	183-94 serial 41
175-28	194-17 serial 64
175-37	194-4 serial 1
175-42	194-9 serial 3
175-43	194A-18050 serials 76; 82
175-45	197-5
175-73A serials 10; 52	211-00 serials 17; 21
175-73B serials 9; 49; 72	62-109
175-73E serials 64; 65	62-177
175-94	62-86
183-112 serial 12	9-301
	9-439

FO COMMENTS

Locative 194's
& 211, April ship
shortly

The FO must complete this form,
 sign the statement below and
 enclose it with the FO files
 before mailing.

Ship to: FBI

170 Marcel Drive

Winchester, VA 22602

Proposed Statement:

Classification *Secret* (place the classification level here).

I, , certify there are not any records classified above the secret level, coded SCI, or are otherwise considered sensitive in the enclosed package. If/when opened by RIDS/Security or the DocLab in Winchester and sensitive, SCI or classified above the secret level are found in this package, RMD reserves the right to contact your Security Officer and the RMD Security Office.

Signed

A417

LA 194C-238 transferred to FBI HQ to be
 accessioned to NARA on 4-5-92

194-9 1/01

194-4 194C-185 transferred to FBI HQ to be
 accessioned to NARA on 4/5-92

211-

[redacted] (SC) (FBI)

To: [redacted] (RMD) (FBI)
Subject: RE: Please send files

Good afternoon [redacted] I have fedexed the files to you today. You should receive them on Friday 02/08/08. The files excluded were 194-17 (LA 194C-238) transferred to FBIHQ to be assessioned to NARA on 04/05/92, 194-4 (LA 194C-185) transferred to FBIHQ to be assessioned to NARA on 04/05/92. Thank you, [redacted] OSS Sacramento 916-[redacted]

-----Original Message-----

From: [redacted] (SC) (FBI)
Sent: Monday, February 04, 2008 12:28 PM
To: [redacted] (SC) (FBI)
Subject: FW: Please send files

UNCLASSIFIED
NON-RECORD

Quite a list!

-----Original Message-----

From: [redacted] (RMD) (FBI)
Sent: Monday, February 04, 2008 12:17 PM
To: [redacted] (SC) (FBI)
Subject: Please send files

UNCLASSIFIED
NON-RECORD

b6
b7C
b2

Please send me the following SC files, pertaining to a FOIA request for Ronald Reagan. The list consists of main files and reference files.

- 100-2093
- 100-3107
- 100-3388
- 100A-8101 serial 98
- 105-434 serial 35
- 175-00 serial 59
- 175-28
- 175-37
- 175-42
- 175-43
- 175-45
- 175-73A serials 10; 52
- 175-73B serials 9; 49; 72
- 175-73E serials 64; 65
- 175-94
- 183-112 serial 12
- 183-115 serial 40
- 183-142 serial 19
- 183-218 serial 20
- 183-312 serial 11
- 183-79 serial 206
- 183-94 serial 41
- 194-17 serial 64
- 194-4 serial 1
- 194-9 serial 3

b6
b7C
b2

194A-18050 serials 76; 82
197-5
211-00 serials 17; 21
62-109
62-177
62-86
9-301
9-439

Thanks so much!

[REDACTED]
Legal Administrative Specialist
Records Management Division
ICRC-2, Winchester, VA
Room GR-N13
540 [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**

File #:

100-3107

Volume(s):

Sub File(s):

Title:

Possible disruption of
inaugural ceremony of
CA Governor Ronald Reagan

Date Charged Out:

2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**

Title:

File #:

FOIA Request
Ronald Reagan

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Otherb6
b7C2ASARM

Signature of employee making charge out

See Instruction On Reverse Side

Return

b2

FD-702 (Rev. 3-17-03)

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**

File #:

Volume(s):

Sub File(s):

Title:

b7C

Date Charged Out:

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Otherb6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

Returned

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**

File #:

175-73 sub E

Volume(s):

Sub File(s):

Title:

Lynette Alice Fromme
(Newspaper Clippings)

Date Charged Out:

2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**

Title:

FOIA Request
Ronald Reagan

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Otherb6
b7C

LAS

RMD

Signature of employee making charge out

See Instruction On Reverse Side

Returned

FD-702 (Rev. 3-17-03)

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #:

Volume(s):

Sub File(s):

Title:

Date Charged Out:

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

Signature of employee making charge out

See Instruction On Reverse Side

Returned

FOIA Request
Ronald Reagan

LAS

AMD

b6
b7C

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**

File #:

175-73 sub A

Volume(s): _____

Sub File(s): _____

Title:

Synette Alice Fromme
Assaulting the President

Date Charged Out: _____

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

FOIA Request
Ronald Reagan

File #: _____

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

b6

b7C

2A5

RMD

Si

See Instruction On Reverse Side

K. Ture

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**

File #:

Volume(s):

Sub File(s):

Title:

b7C

Date Charged Out:

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Otherb6
b7C

LAS

RMD

Signature of employee making charge out

See Instruction On Reverse Side

Returned

File Charge Out - From Field Office to FBIHQ

I. IDENTITY OF FILE CHARGED OUT

File #:

Volume(s):

Sub File(s):

Title:

Date Charged Out:

II. IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

b6
b7C

AMT

Signature of employee making charge out

See Instruction On Reverse Side

Return

File Charge Out - From Field Office to FBIHQ**I. IDENTITY OF FILE CHARGED OUT**

File #:

183-218

Volume(s):

1

Sub File(s):

Title:

Hughes Organization Public (HOPTAC)
affairs Committee

Date Charged Out:

2-5-08**II. IDENTITY OF FILE FOR LITIGATION/REQUEST**

Title:

FOIA request
Ronald Reagan

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

RMD

b6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

Return

FD-702 (Rev. 3-17-03)

File Charge Out - From Field Office to FBIHQ**I. IDENTITY OF FILE CHARGED OUT**File #: 183-142

Volume(s): _____

Sub File(s): _____

Title: _____

b7C

Date Charged Out: _____

II. IDENTITY OF FILE FOR LITIGATION/REQUEST

Title: _____

FOIA request
Arnold Reagan

File #: _____

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Otherb6
b7C*LAS**RMD*_____
Signature of employee making charge out

See Instruction On Reverse Side

Plutney

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**

File #:

183-79 (serial 204)

Volume(s):

1

Sub File(s):

Title:

Political Corruption
CA State Legislature

Date Charged Out:

2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**

Title:

FOIA Request
Ronald Reagan

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

b6
b7C

AMD

Signature of employee making charge out

See Instruction On Reverse Side

Returned

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #: 183-312Volume(s): 1

Sub File(s): _____

Title: Robert L. HillitoWilliam Caldwelldba Calif Dealers AssocDate Charged Out: 2-5-08

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title: FOIA Request
Ronald Reagan

File #: _____

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

RM

b6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

Returned

FD-702 (Rev. 3-17-03)

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**File #: 197-5Volume(s): 1

Sub File(s): _____

Title: George A. BrongorDate Charged Out: 2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**Title: FOIA request
Ronald Reagan

File #: _____

Forward to FBIHQ

- ☐ Legal Counsel
☐ RIDS Section
☒ Other

LAS [REDACTED] RMD

b6
b7C

[REDACTED]

Signature of employee making charge out

See Instruction On Reverse Side

Rubens

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #:

Volume(s):

Sub File(s):

Title:

Date Charged Out:

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

Signature of employee making charge out

See Instruction On Reverse Side

Return

FOIA Request
Ronald Reagan
LAS
RMTb6
b7C

FD-702 (Rev. 3-17-93)

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**File #: 62-154 Through 180
Volume(s): 1

Sub File(s): _____

Title: Richard H GardnerDate Charged Out: 2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**Title: _____ FOIA Request
Ronald Reagan

File #: _____

Forward to FBIHQ

- ☐ Legal Counsel
☐ RIDS Section
☒ Other

LAS

AMD

Signature of employee making charge out

See Instruction On Reverse Side

Returnedb6
b7C

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #: 62-100 through 62-123Volume(s): 1

Sub File(s): _____

Title: _____

b7C

Date Charged Out: 2-5-08

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title: _____

File #: _____

FOIA request for
Ronald Reagan

Forward to FBIHQ

- ☐ Legal Counsel
☐ RIDS Section
☒ Other

LAS

RMD

ICRC-12
Room 6R N13b6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

Returned

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #:

62-86

Volume(s):

Sub File(s):

Title:

Attempt to Firebomb
Residence of Governor Ronald Reagan

Date Charged Out:

2-5-08

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

FOIA Request
Ronald Reagan

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

b6
b7C

AMD

Signature of employee making charge out

See Instruction On Reverse Side

Return

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**File #: 183-115

Volume(s): _____

Sub File(s): _____

Title: Alfred H. LongDate Charged Out: 2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**

Title: _____

File #: _____

FOIA request
Ronald Reagan

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

RMVb6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

Returned

FD-702 (Rev. 3-17-03)

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #: 100A-8101 (serial 98 only)
Volume(s): 4 VOLS converted of 4 VOLS

Sub File(s): _____

Title: Animal Liberation Front (ALF)
Domestic SecurityDate Charged Out: 2-5-08

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title: FOIA Request
Ronald Reagan

File #: _____

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

RMD

b6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

returned

File Charge Out - From Field Office to FBIHQ**I IDENTITY OF FILE CHARGED OUT**File #: 100-2093
Volume(s): 1

Sub File(s): _____

Title: Wor Kraft aka
Dept Health Educ & WelfareDate Charged Out: 2-5-08**II IDENTITY OF FILE FOR LITIGATION/REQUEST**Title: _____ FOIA request
Ronald Reagan

File #: _____

Forward to FBIHQ

- ☐ Legal Counsel
☐ RIDS Section
☒ Other

2AS

b6
b7C

RMD

Signature of employee making charge out

See Instruction On Reverse Side

returned

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #:

105-434 (serial 35)

Volume(s):

1

Sub File(s):

Title:

Movement of Soviet Nationals
(Control file)

Date Charged Out:

2-5-08

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

FOIA Request

Ronald Reagan

File #:

Forward to FBIHQ

☐ Legal Counsel☐ RIDS Section☒ Other

LAS

RMD

b6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

Returned

FIELD OFFICE FILE REQUEST FORM

HEADQUARTERS INFORMATION

LAS

FOIPA No. _____

REQUESTER'S NAME: _____

SUBJECT'S NAME: _____

FILES REQUESTED:

194 A-SC-18050

FIELD OFFICE INFORMATION

NAME Sacramento

FILES SHIPPED:

194 A-SC-18050

HQ COMMENTS

(FOIA request
Ronald Reagan)

FO COMMENTS

Shipped to LAS
RMD
CXC-12
Room B A N L 3

The FO must complete this form,
sign the statement below and
enclose it with the FO files
before mailing.

Ref:
Dep:Date: 03/07/2008
Wgt: 1.9 LBSSHIPPING: 5.16
SPECIAL: 0.38
HANDLING: 0.00
TOTAL: 5.52

DV:

0.00

Svc: PRIORITY OVERNIGHT DSR
TRCK: 7200 2587 7214

Ship to: FBI

170 Marcel Drive
Winchester, VA 22602

Proposed Statement

Classification (Sensitive place the classification level here).

I, _____, certify there are not any records classified
above the secret level, coded SCI, or are otherwise considered sensitive in the
enclosed package. If/when opened by RIDS/Security or the DocLab in Winchester
and sensitive, SCI or classified above the secret level are found in this package,
RMD reserves the right to contact your Security Officer and the RMD Security
Office.

Signed _____

File Charge Out - From Field Office to FBIHQ

I IDENTITY OF FILE CHARGED OUT

File #:

Volume(s):

Sub File(s):

Title:

Date Charged Out:

II IDENTITY OF FILE FOR LITIGATION/REQUEST

Title:

File #:

Forward to FBIHQ

- ☐ Legal Counsel
☐ RIDS Section
☒ Other

FOIA request
Ronald Reagan

RMD
LAS

b6
b7C

Signature of employee making charge out

See Instruction On Reverse Side

b6
b7C

(SC) (FBI)

(SC) (FBI)

Subject:

RE: Manual indices search - Ronald Reagan

Good Morning [REDACTED] The manual indices search for Ronald Reagan file numbers prior to 01/01/79 are: year:6/78- #197-5*, year:11/77- #183-94-41p6, 183-79-206, 183-112-12, 183-115-40, 183-142-19, 183-218-20, 183-312-11, 194-9-3, 194-17-64, 194-4-1, year:3/76- #175-94*, year:5/76- #9-439*, year:9/75- #175-73B-49, 175-73B-72, 175-73A-52, 175-73A-10, 175-73E-64, 175-73E-65, 175-73B-9, year:6/74- #9-301*, year:5/74- #105-434-35, year:5/72- #175-42*, 175-43*, year:6/72- #175-45*, year:3/71- #100-3388*, year:12/71- #175-37*, year:8/70- #175-28*, year:12/70- #100-3107*, year:10/69- #62-177*, year:9/69- #100-2093*, year:7/68- #62-86* & year 10/68- #62-109*. Thank you [REDACTED] / OSS-Sacramento 916 [REDACTED]

-----Original Message-----

From: [REDACTED] (SC) (FBI)
Sent: Monday, January 07, 2008 7:15 AM
To: [REDACTED] (SC) (FBI)
Subject: FW: Manual Indices search - Ronald Reagan

UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [REDACTED] (RMD) (FBI)
Sent: Friday, January 04, 2008 6:09 AM
To: [REDACTED] (SD) (FBI); [REDACTED] (SC) (FBI); [REDACTED] (WE) (FBI); [REDACTED] (LA) (FBI); [REDACTED] (WF) (FBI)
Subject: Manual Indices search - Ronald Reagan

UNCLASSIFIED
NON-RECORD

Please search your office's manual indices for Ronald Wilson Reagan, the former U.S. President. He was born on 2/6/1911 and died in June 2004. Please search main and reference files as this is for a FOIA litigation. In particular, I need all records prior to January 1, 1979 and no later.

Thank you for your help,

[REDACTED]
Legal Administrative Specialist
Records-Management Division
ICRC-2, Winchester, VA
Room GR-N13
540 [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

BEST COPY

VZCZCHQ0339

PP 1870

DE HQ 1322100

ZFR UUUUU

P 232101Z JUN 85

FM DIRECTOR FBI

TO ALL FBI FIELD OFFICES PRIORITY

BT

UNCLAS

0000
HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: 7/10/85
WITHOUT FAIL. (2)

REUTELS TO ALL OFFICES DATED SEPTEMBER 7, 1982.

BUREAU HAS BEEN REQUESTED TO CONDUCT EXPEDITE UPDATE
INVESTIGATION OF APPOINTEE FOR PRESIDENTIAL APPOINTMENT, AS
ASSISTANT ATTORNEY GENERAL FOR THE OFFICE OF LEGAL POLICY,
DEPARTMENT OF JUSTICE, WASHINGTON, D. C., WHICH REQUIRES SENATE
CONFIRMATION.

ALL OFFICES CHECK INDICES AND ELSUR FILES BASED UPON
AVAILABLE INFORMATION CONCERNING APPOINTEE, HIS CLOSE RELATIVES
AND PRESENT BUSINESS ESTABLISHMENT.

WASHINGTON FIELD, IF UTILIZING MAJOR CASE INFORMATION
SYSTEM OR ISIS AND ARE OFFICE OF ORIGIN ON THOSE CASES SHOULD

☒ No Record
☐ Review File at CFR

DO NOT DESTROY
FOI/PA REQUEST
RECEIVED 5/2006

101B-R-93-1

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 01 1985	
FBI - SAN DIEGO	

b6
b7C
Third Party

PAGE TWO DE HQ 0089 UNCLAS

ALSO CHECK THOSE DATA BASES. PROMPTLY SUTEL RESULTS (POSITIVE OR NEGATIVE) BY TELETYPE SUMMARY AND IF POSITIVE, FOLLOW WITH COPIES OF DOCUMENTS BY AIRTEL.

ALEXANDRIA, LOS ANGELES, PITTSBURGH, RICHMOND, SACRAMENTO, SAN FRANCISCO AND WASHINGTON FIELD SHOULD NOT RUC UPON COMPLETION OF THE ABOVE RECORD CHECKS AS ADDITIONAL INVESTIGATION IS FORTHCOMING.

ELLINGWOOD IS CURRENTLY EMPLOYED BY MERIT SYSTEMS PROTECTION BOARD, WASHINGTON, D. C., IS DESCRIBED AS BORN MARCH 5, 1961, IN ORDWAY, COLORADO; HAS SSAN 726-09-4567; AND RESIDES 6617 BRIAR HILL COURT, MC LEAN, VIRGINIA.

RELATIVES: FATHER (DECEASED), HARRY CLIFFORD ELLINGWOOD, BORN JULY 29, 1900, IN ALBIA, IOWA; MOTHER, EDITH ARLEENE ELLINGWOOD, BORN MARCH 12, 1900, IN AMES, KANSAS, RESIDES 1763 RIVER VALLEY ROAD, WATSONVILLE, CALIFORNIA; SPOUSE, AUDREY LICE KESLER, BORN AUGUST 19, 1932, IN CASS, WEST VIRGINIA, RESIDES 6617 BRIAR HILL COURT, MC LEAN, VIRGINIA; SON, EDWIN BRUCE ELLINGWOOD, BORN NOVEMBER 17, 1963, IN CASTRO VALLEY, CALIFORNIA, RESIDES 6242 GREEN TAVERN LANE, YORBA LINDA, CALIFORNIA; SON, THOMAS BARRY ELLINGWOOD, BORN MARCH 13, 1967,

PAGE THREE OF HQ 0239 UNCLAS

IN CASTRO VALLEY, CALIFORNIA, RESIDES WITH APPOINTEE AND
SPOUSE; SISTER (DECEASED), JUANITA ELLINGWOOD, BORN JULY 1922,
1924, IN LA JUNTA, COLORADO; SISTER, PAULINE NELSON, BORN
SEPTEMBER 13, 1926, IN LA JUNTA, COLORADO, RESIDES 792 ECHO
VALLEY ROAD, SALINAS, CALIFORNIA; SISTER, MILDRED CHAPMAN, BORN
SEPTEMBER 29, 1928, IN ORDWAY, COLORADO, RESIDES 1355
INDEPENDENCE SQUARE, WATSONVILLE, CALIFORNIA; BROTHER, AL
ELLINGWOOD, BORN SEPTEMBER 15, 1934, IN AROMAS, CALIFORNIA,
RESIDES 1506 HIGHWAY 101, AROMAS, CALIFORNIA; BROTHER, WAYNE
ELLINGWOOD, BORN MAY 19, 1933, IN AROMAS, CALIFORNIA, RESIDES
1562 COTTONWOOD, ORANGE, CALIFORNIA.

SPIN

LI

1239

BEST COPY

0102 000220

PP HVO

DE 00 2220 1850405

Z R 0000

P 032159Z JUL 85

FBI DIRECTOR FBI

TO ALL FBI FIELD OFFICES PRIORITY

BT

UNCLAS

161B-R-93*

CHANGED: HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY,
BUDED: 7/17/85, WITHOUT FAIL. (B)

TITLE MARKED "CHANGED" TO INDICATE CHANGE IN BUDED FROM
7/12/85, TO 7/17/85, AS INDICATED ABOVE.

REFERENCE BUREAU TELETYPE DATED 6/29/85, TO ALL
OFFICES.

ALL OFFICES ARE REMINDED TO FOLLOW DAPLI REPORTING
PROCEDURE AND TO SUBMIT A REPORT SUITABLE FOR DISSEMINATION TO
THE WHITE HOUSE.

DUE TO URGENT NATURE OF REQUEST IT IS IMPERATIVE BUDED
BE MET WITHOUT FAIL.

SPIN

BT

UNCLAS

DO NOT DESTROY
FOI/PA REQUEST
RECEIVED: 5/2006

161B-R-93-2

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 03 1985	
FBI - SAN DIEGO	

907

b6

b7C

Third Party

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:

- ☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☐ Immediate
☒ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☒ UNCLAS E F T O
☐ UNCLAS

Date

7/8/85

11:35 a.m.

FM SAN DIEGO (161B-R-93) (RUC)

TO DIRECTOR PRIORITY 021 9⁰⁷ P

BT

UNCLAS E F T O

HERBERT EUGENE ELLINGWOOD, SPECIAL INQUIRY, BUDED: JULY 17, 1985,
WITHOUT FAIL (B).

REBUTEL TO ALL OFFICES, JUNE 29, 1985.

THE NAMES OF THE APPOINTEE AND CLOSE RELATIVES WERE SEARCHED
BY THE FOLLOWING INDIVIDUALS, WITH NEGATIVE RESULTS:

GENERAL INDICES, IA [REDACTED] JULY 8, 1985; ASSET

INDICES, [REDACTED] JULY 1, 1985; ISIS INDICES NOT

REQUIRED, PER [REDACTED]

ELSUR INDICES, [REDACTED]

JULY 2, 1985.

BT

b6

b7C

Third Party

#

1-SD161B-R-93
GDF/bsc
(1) bsc

RUC 6
P/CM

DO NOT DESTROY
FBI

Approved: 9⁰⁷ P/CM

Transmitted

(Number)

(Time)

Per 5

161B-R-93-3

SEARCHED

INDEXED

SERIALIZED

FILED

RONALD WILSON REAGAN

FOIPA # 1089424

REAGAN, RONALD

12/66

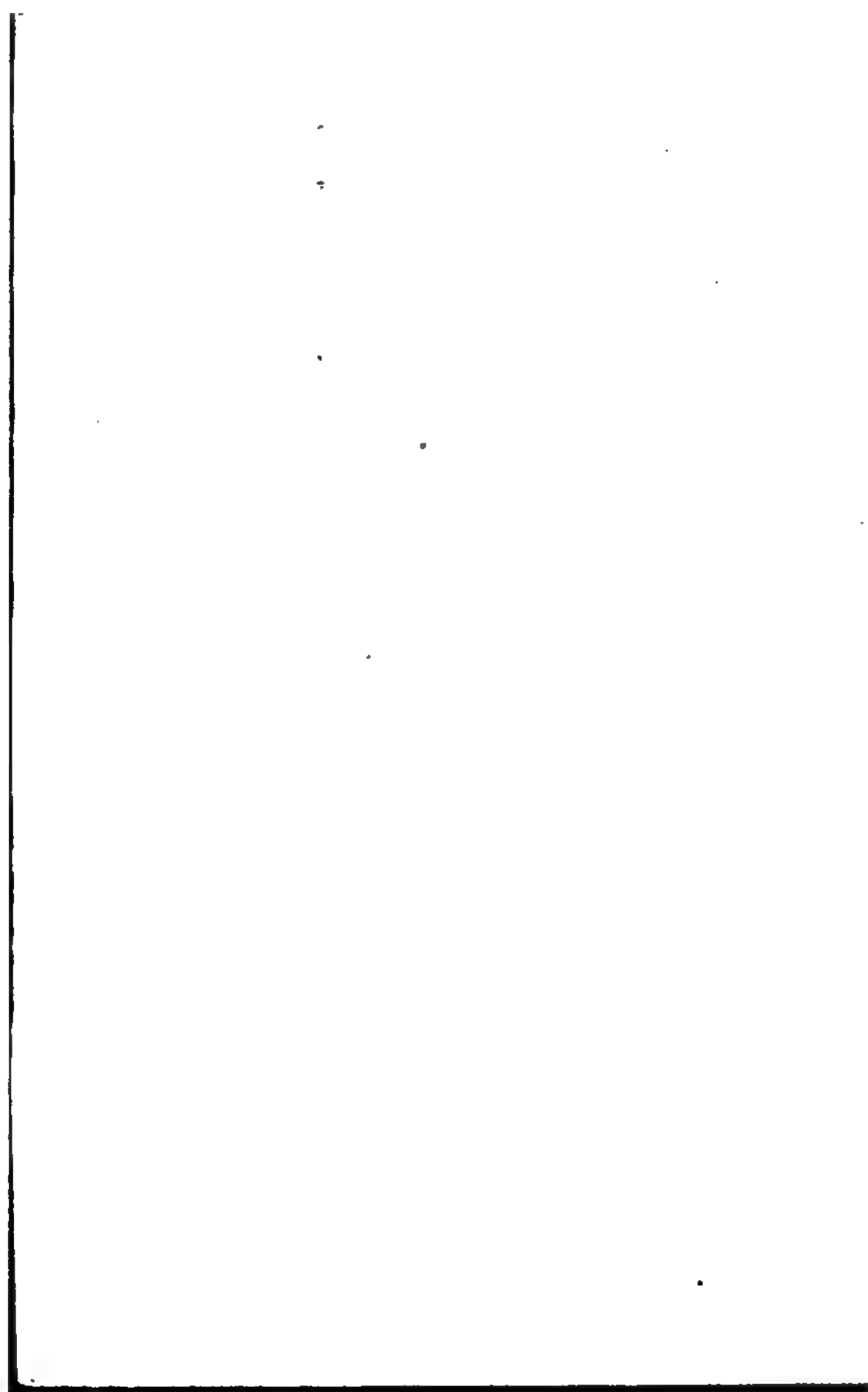
62-5315*

threat against Ronald Reagan
Govenor elect of Cal.
Denver Post
12/6/66

mf

RONALD REAGAN HEADQUARTERS 6/81 100-79142-29

Demonstration at Ronald Reagan Headquarters,
S.F., California, 11/3/80



THREATS AGAINST
PRESIDENT ELECT
RONALD REAGAN

11/80

175-0-283

Corpus Christi RESident agency
of FBI

[illegible]

PRESIDENT RONALD REAGAN
VISIT TO SAN FRANCISCO CA
MARCH 3-5, 1983

2/83

175-154*

NDA

FEB 23 1983

THREAT AGAINST THE 1/81 199-620*
PRESIDENT ELECT OF
THE UNITED STATES

OO: CG
Threat against Ronald
Reagan, FCI-Iran

N.R.

REAGAN, RONALD WILSON
(PRESIDENT)

1/82

175-0-348
175-0-348A
175-0-348B

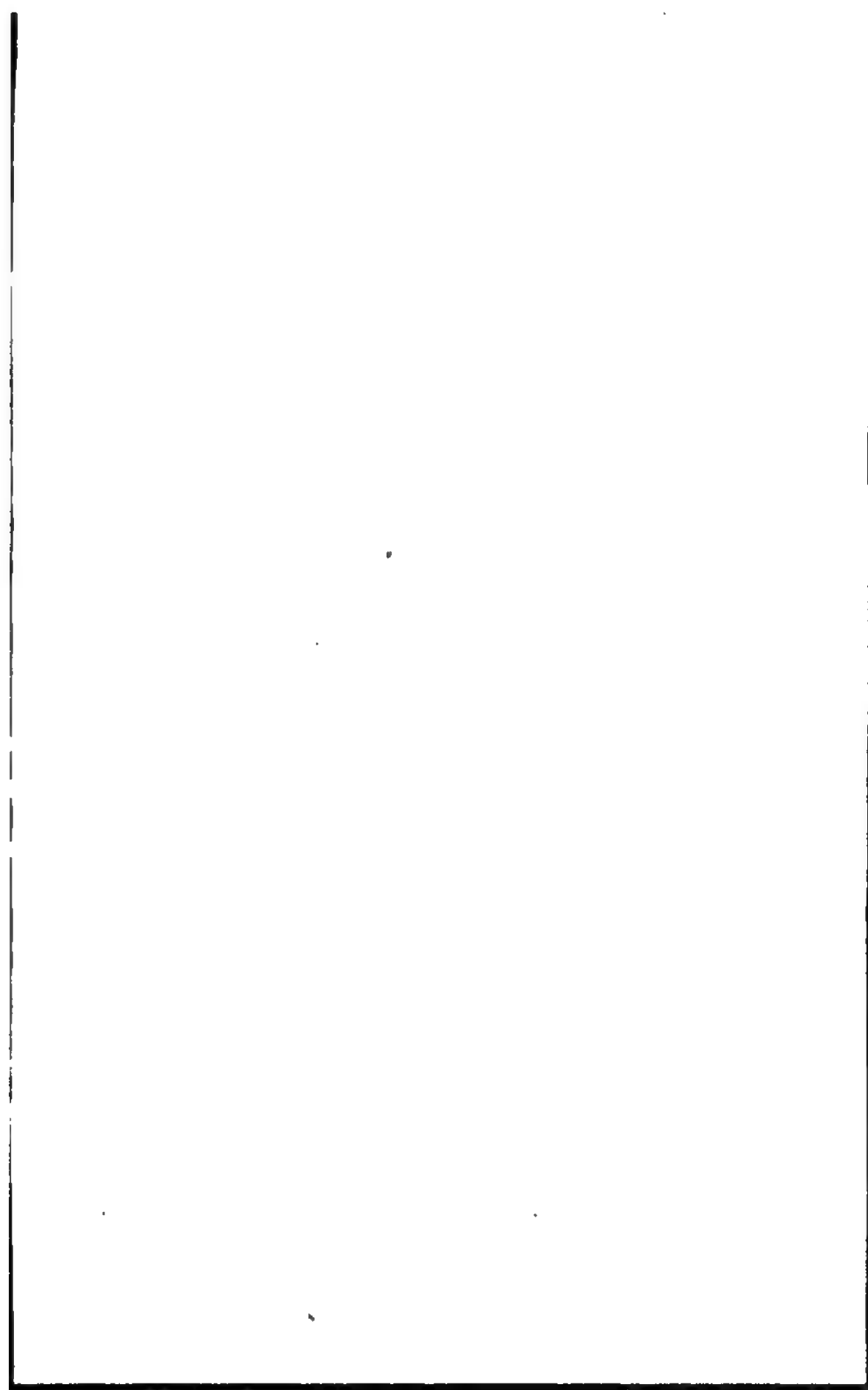
threat against the President

JAN 29 1962

REAGAN, RONALD ROBERT 8/79 88-19033*

OO: LA (88-26543)

DOB: 1/26/43
FBI#: 265 005 E
CII#: 2819832
CDL#: N4022924



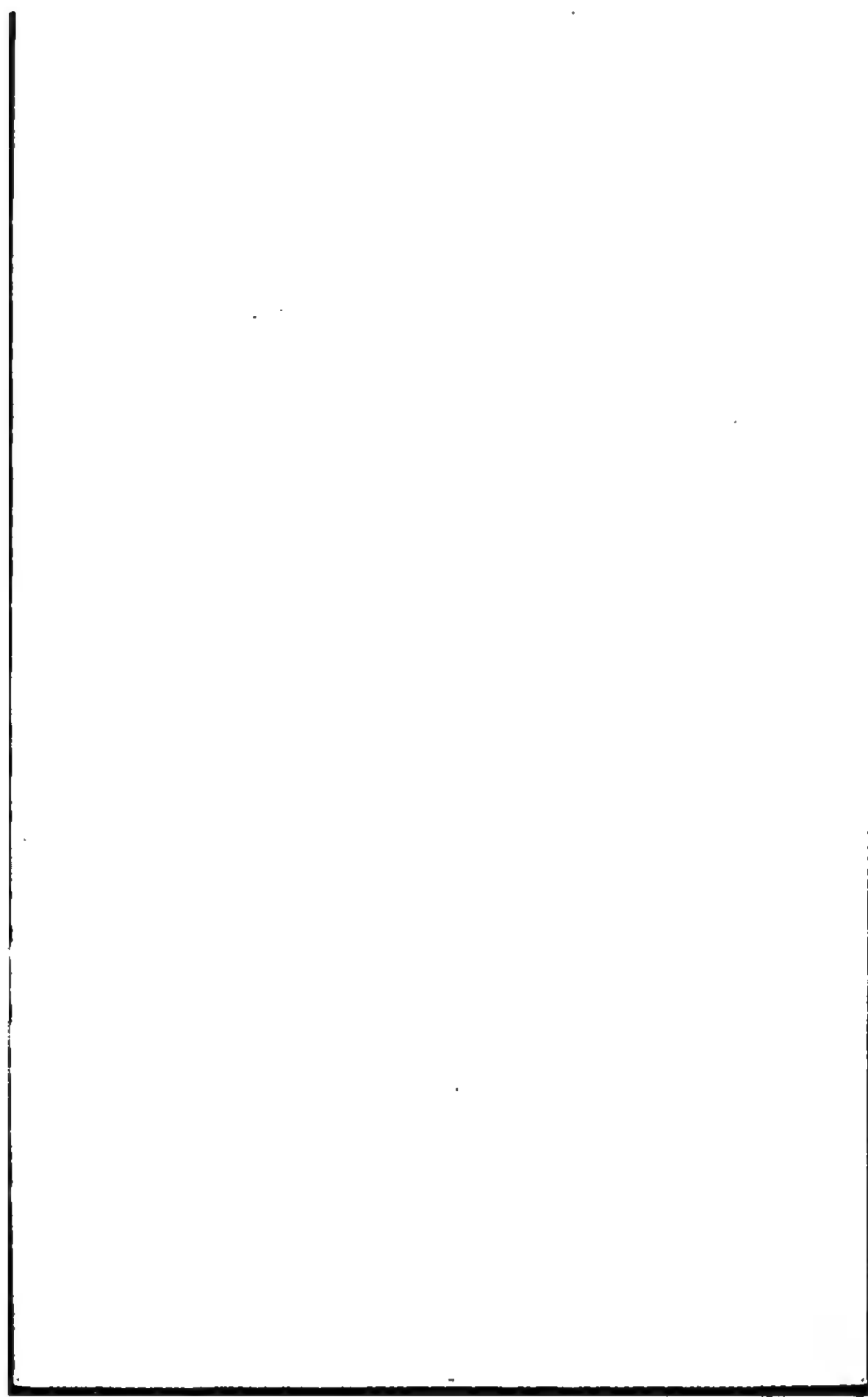
REAGAN, RONALD

1/81

199-620*

OO: CG

Threat against the president elect
of the U.S. as a victim



REAGAN, RONALD

8/79

199-300*

Victim

Unsub; aka Ejercito De Liberacion
De Puerto Rico Puerto Rican Liberation
Army; Threat to assassinate President
Jimmy Carter, Howard Baker, John
Connally, George Bush, and Ronald
Reagan, and to Bomb an Unidentified
Jet Liner/ Victims
OO: WFO

N. 8.

REAGAN, RONALD

9/83

197-133*

Defendant

Karen Moyles Bodisco Individually
& Class Action for All Americans

v. Ronald Reagan, et al.

(S.F. Superior Court for City &
County of S.F.)

Class Action No. 813541

SEP 21 1983

REAGAN, RONALD

6-83

175-156*

OO: CV
PRESIDENT
NDA

JUN 13 1983

REAGAN, RONALD

1/21/85

175-175*

PURPORTED PLANS TO KILL THE PRESIDENT OF THE U.S.

OO BUREAU

JAN 22 1985

✓

REAGAN, RONALD (PRESIDENT) 1/82 175-0-347
175-0-347A

Unsub;
threat against the President
threat made on a SF bus by a
white male, 25-26 yrs. of age
5'9"-5'10", 180 lbs, blond hair
1/8/82

JAN 29 1932

REAGAN, RONALD
(PRESIDENT)

2/82

175-0-351A

Victim
Threat Against the President

FEB 5 1989

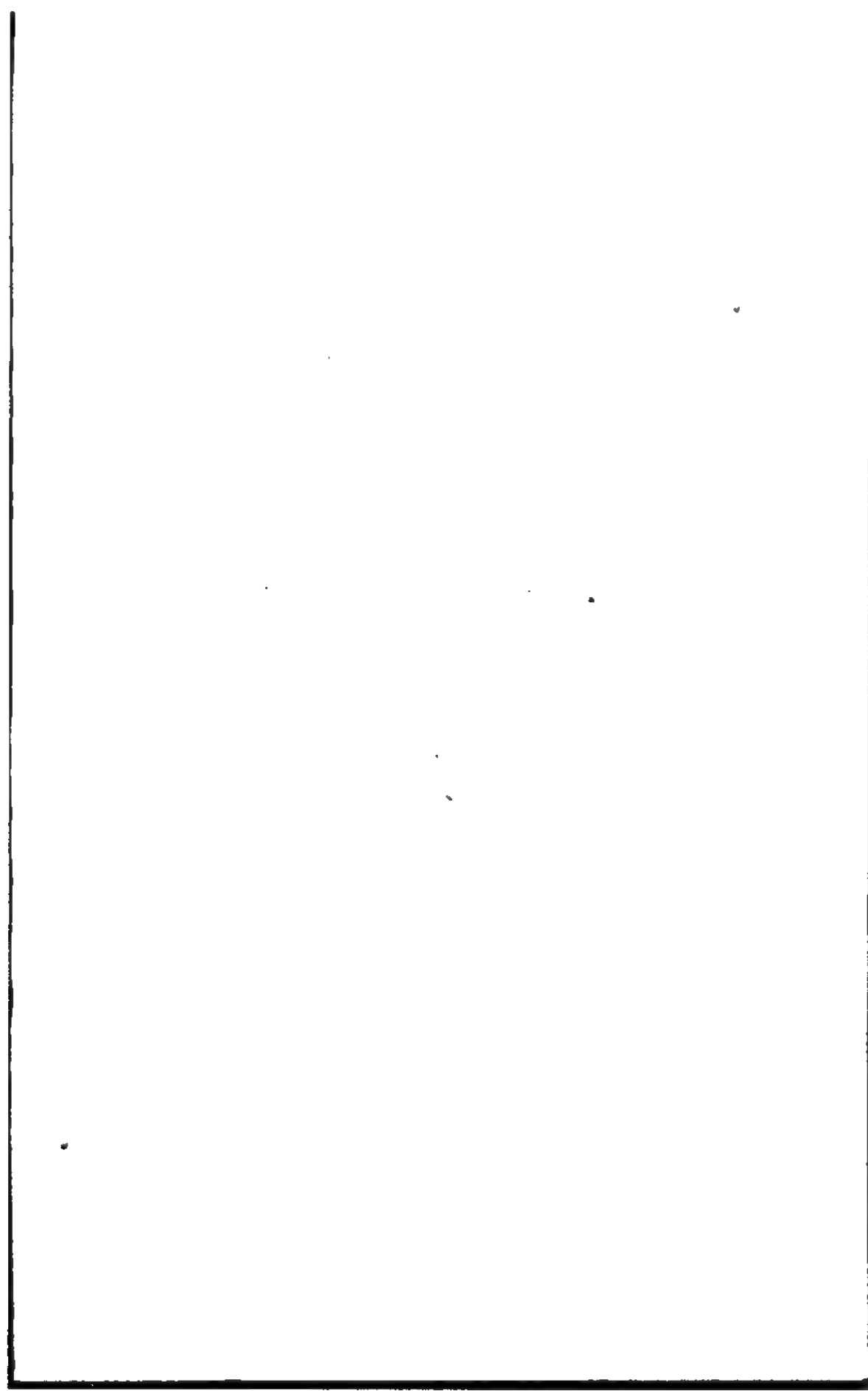
[Handwritten signature]

REAGAN, RONALD
(PRESIDENT OF THE
UNITED STATES)

11/81

175-0-336

Victim
Unsub;
NDA

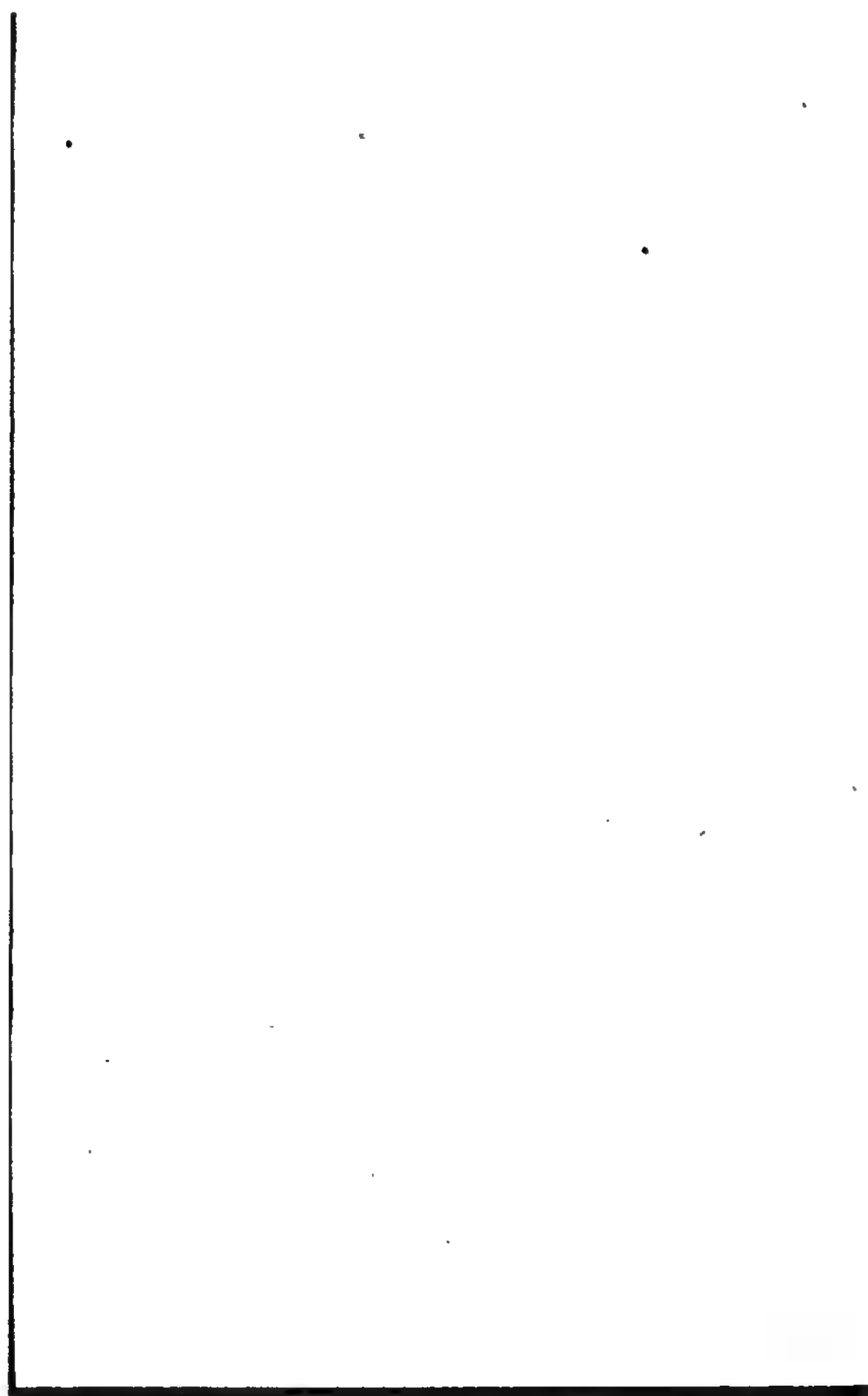


REAGAN, RONALD
(PRESIDENT)

11/81

175-0-332

Victim
NDA



REAGAN, RONALD
(PRESIDENT)

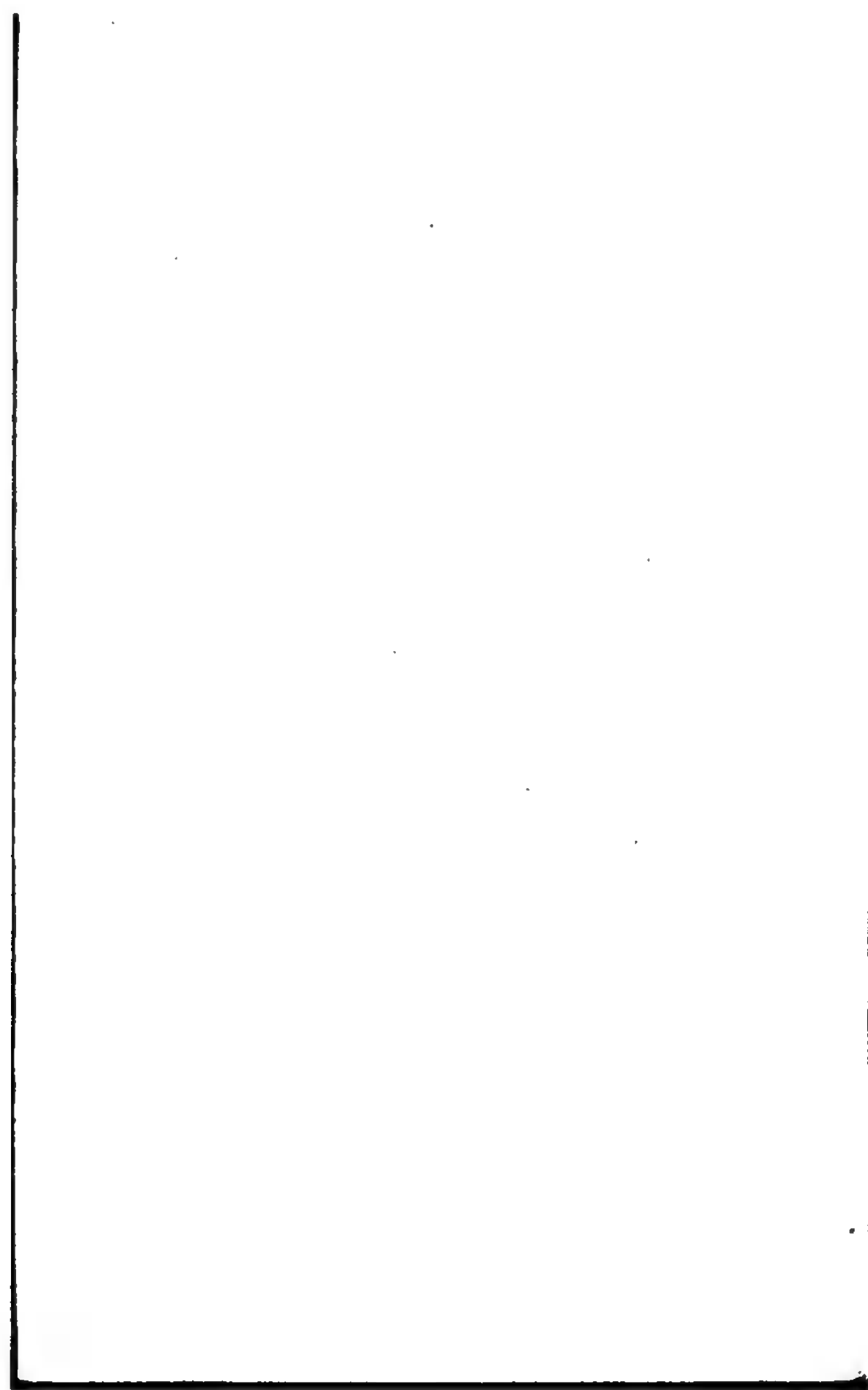
3/81

175-117*

OO: WFO

victim

shot by John Warnock Hinckley Jr.



REAGAN, RONALD

7/80

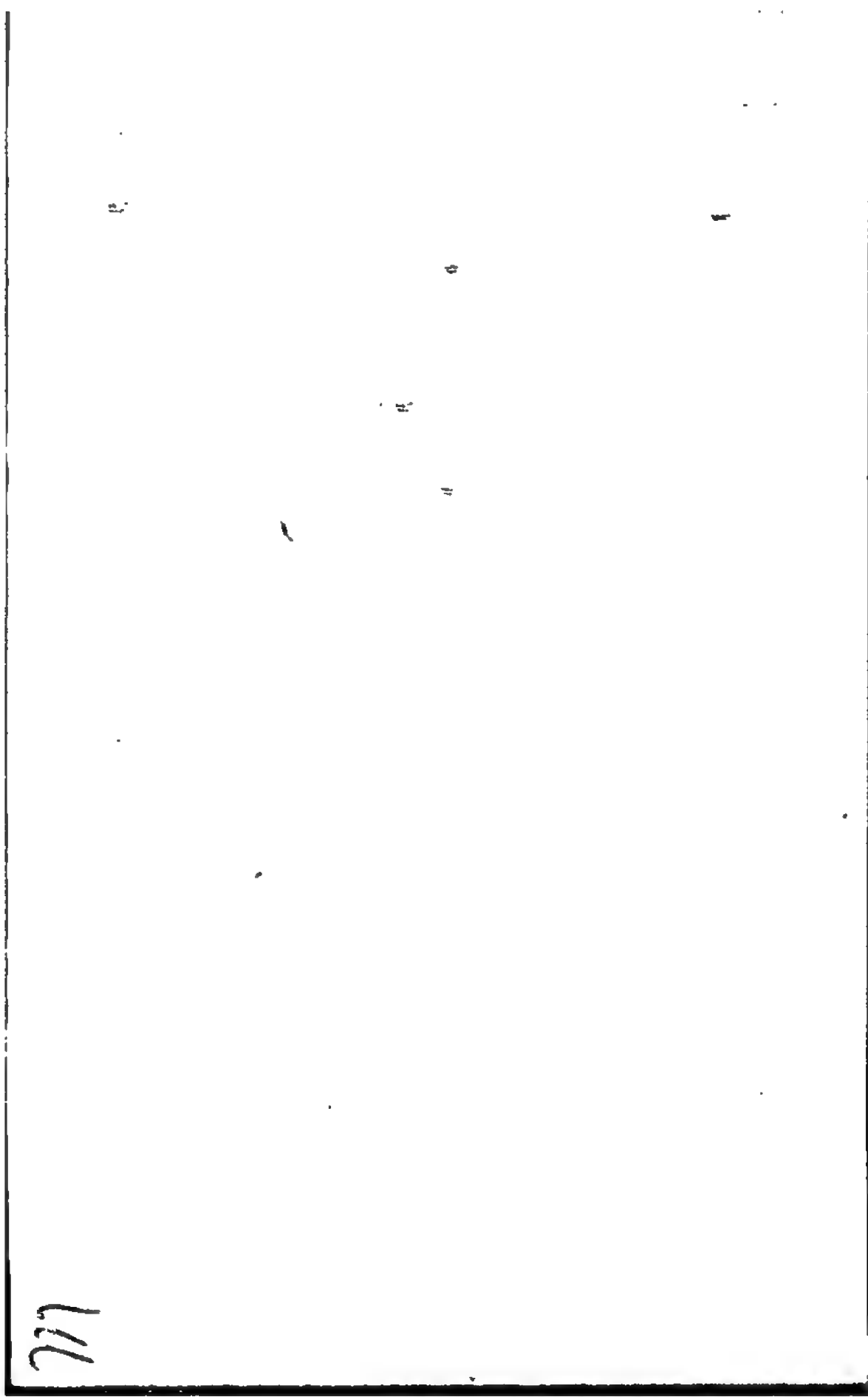
175-112*

OO: SF
possible threat against
presidential candidate
RONALD REAGAN:



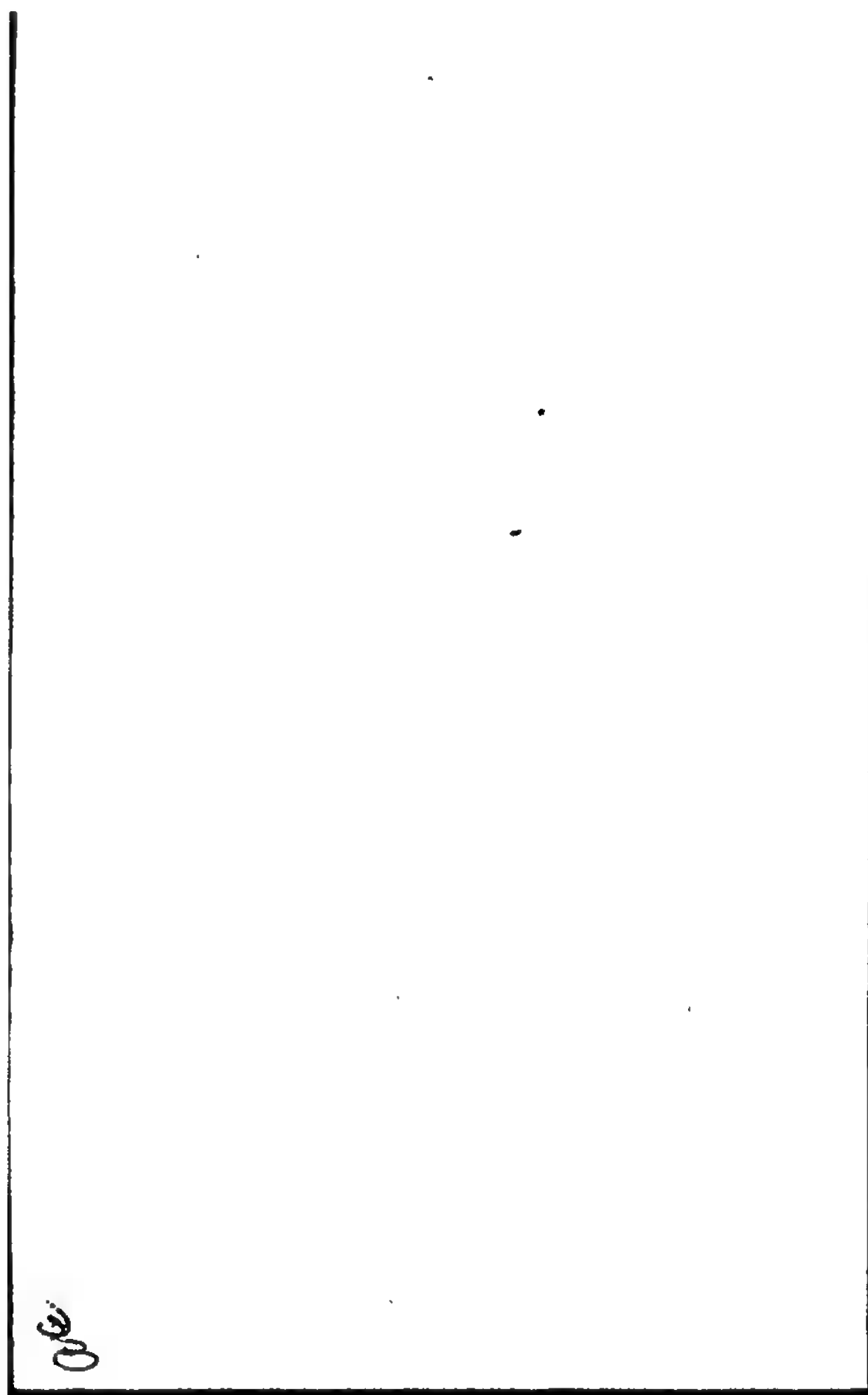
white/male
DOB: 8/3/42
HT: 6'3"
WT: 160

b7C



REAGAN, RONALD 12/79 89-0-115A

possible assault or
abduction of senator
Edward M. Kennedy or
former Calif Governor
OOB PD



REAGAN, RONALD

02/07/86

9-0-2139

President

Victim

Extortion matter

44

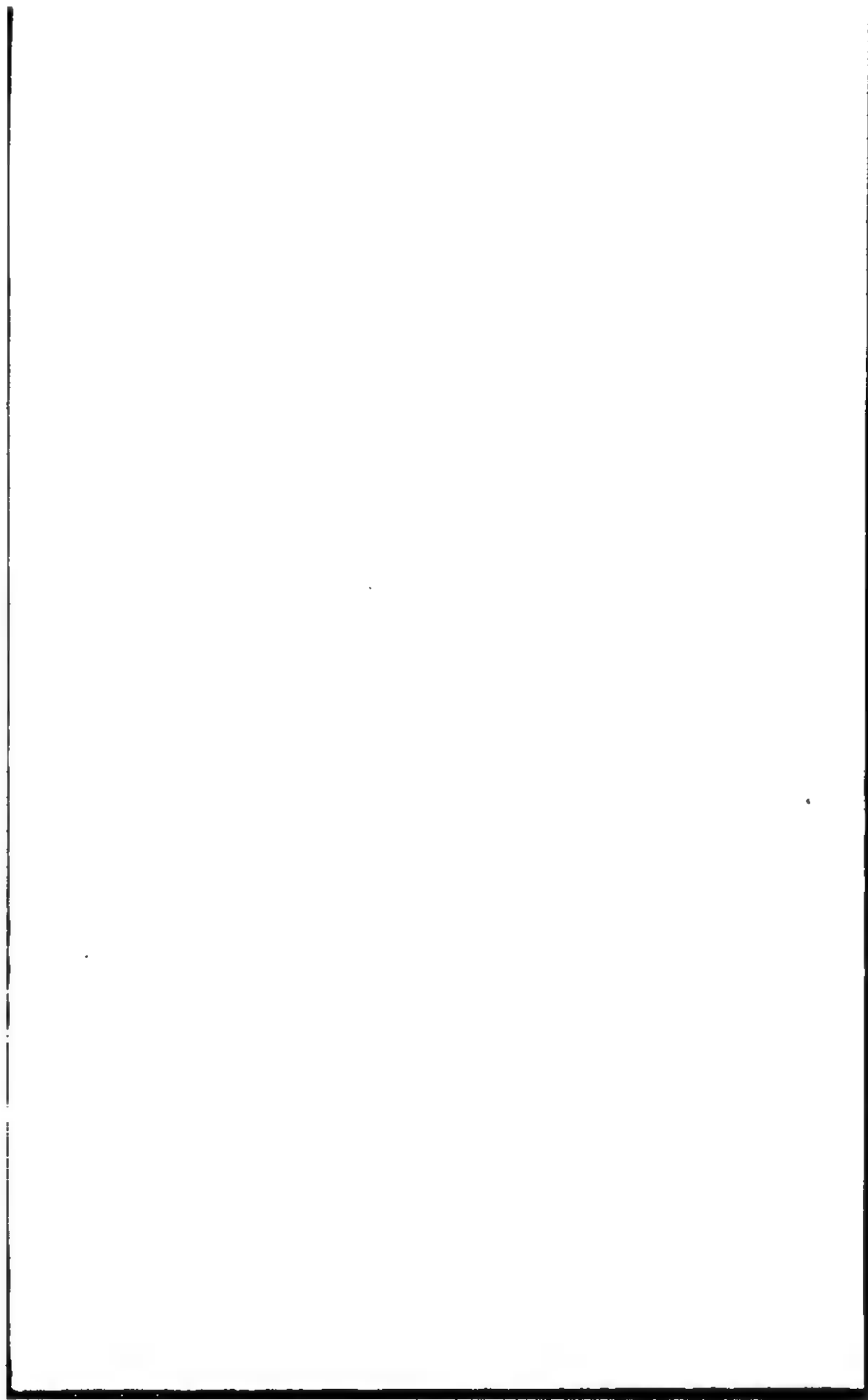
REAGAN, RONALD
PRESIDENT

7/81

9A-3543*

OO: SF

Victim



REAGAN, RONALD

3/82

9A-3613*

OO: SF

VICTIM

Threat against
life

US President

MAR 5 1982

R

REAGAN, RONALD

12/14/84

9A-3891*

PRESIDENT OF THE UNITED STATES

THREATENING LETTER RECEIVED
OO SAN FRANCISCO

b7C



DEC 17 1984

2

REAGAN, RONALD

9-17-85

9A-3937*

NAM NATHANIEL WALTER ANDERSON

EXT

M, DOB 5/4/47, POB CLEVELAND, OHIO,
SSN 566-64-7844, FBI 706949F, HGT 509, WGT 150,
HAIR BLK, EME BRN
CASPER WEINBERGER-SECRETARY OF DEFENSE-VICTIM

OO SF

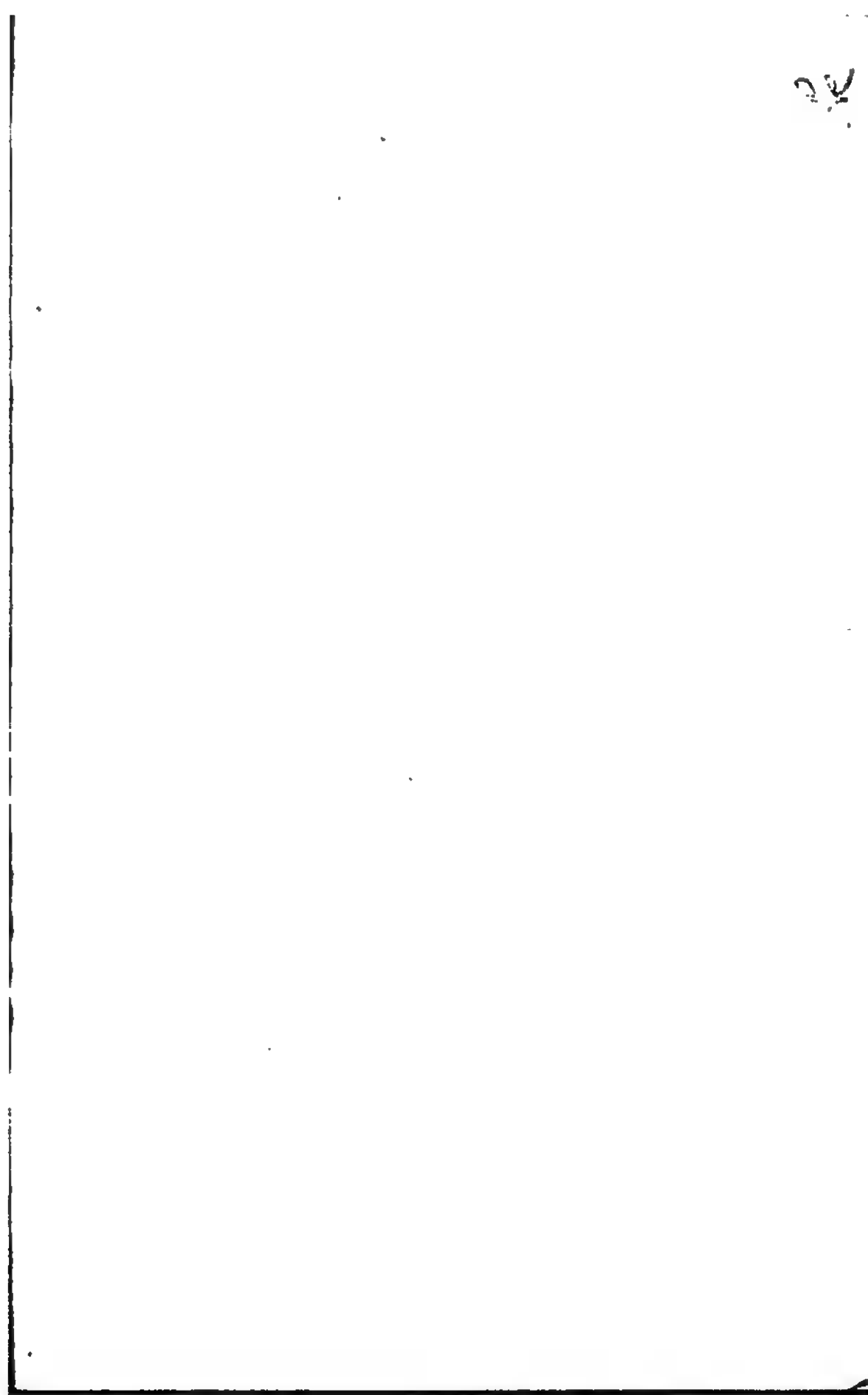
SEP 24 1996

REAGAN, RONALD (GOV)

3/67

9-2094*

Victim



28

REAGAN, RONALD

1/76

9-2983*

Victim
Harold A. Govett
Secretary American Indian Party
860 Northpoint
San Francisco, Calif.

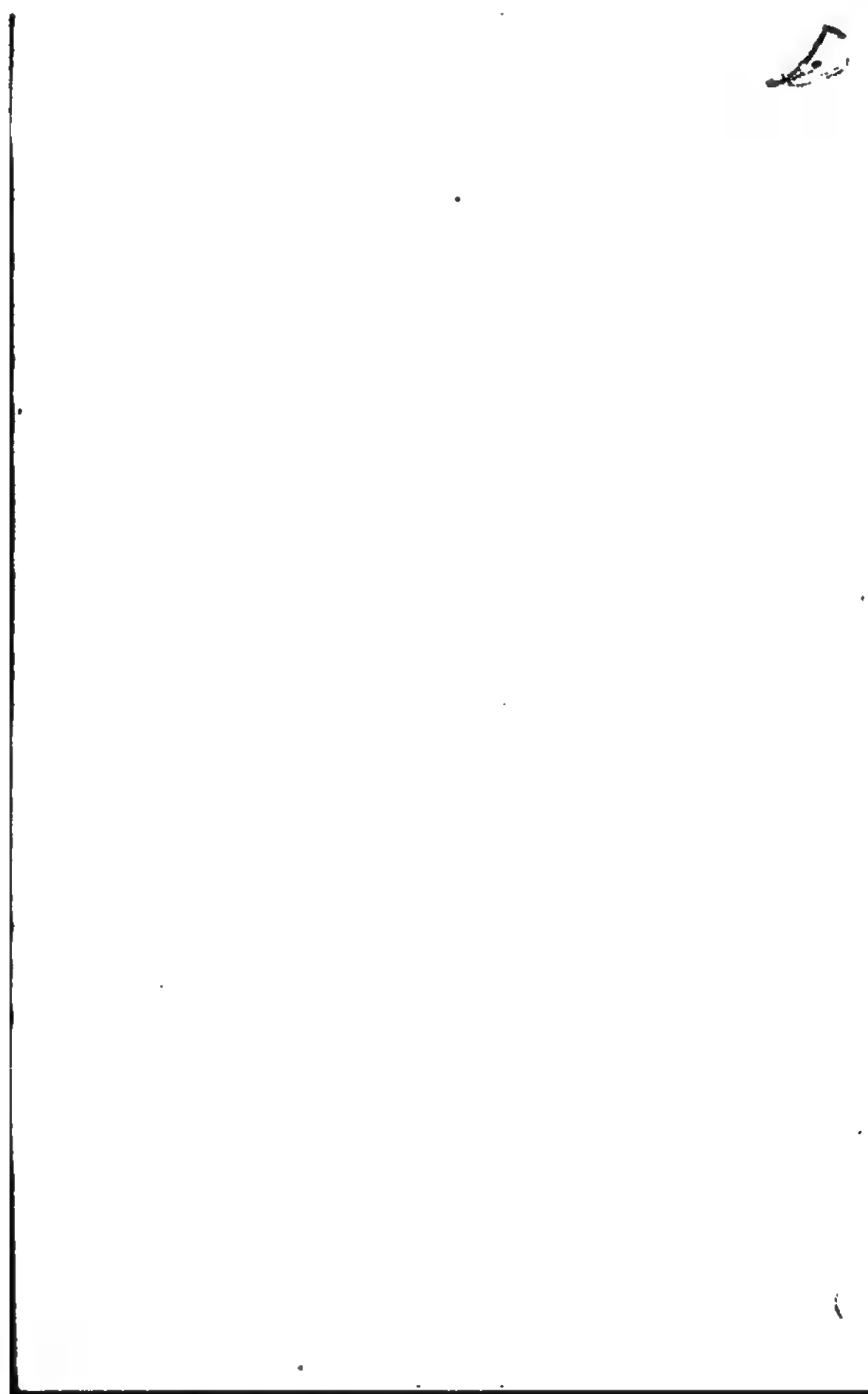
BY

REAGAN, RONALD

11/66

62-5315*

BARRY (LNU), THREAT TO
ASSASSINATE RONALD REAGAN
XXXXX 11/8/66



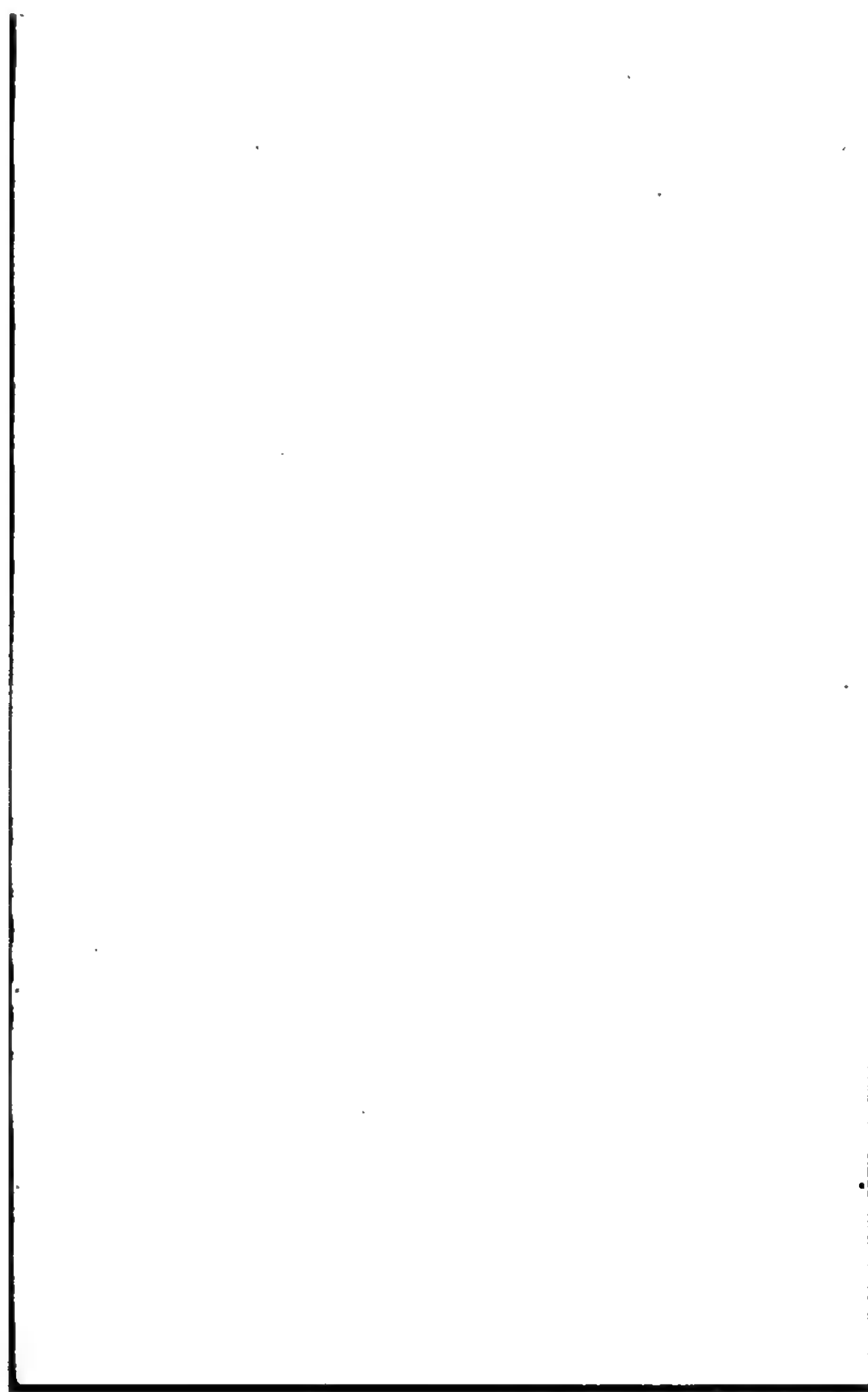
REAGAN, RONALD, THREAT
AGAINST

4/68

62-5462*

4/10/68
ALAMEDA, CALIFORNIA

GOVERNOR OF CALIFORNIA



REAGAN, RONALD

8/66

80-0-2602A

PACIFIC PALISADES, CALIFORNIA 90272

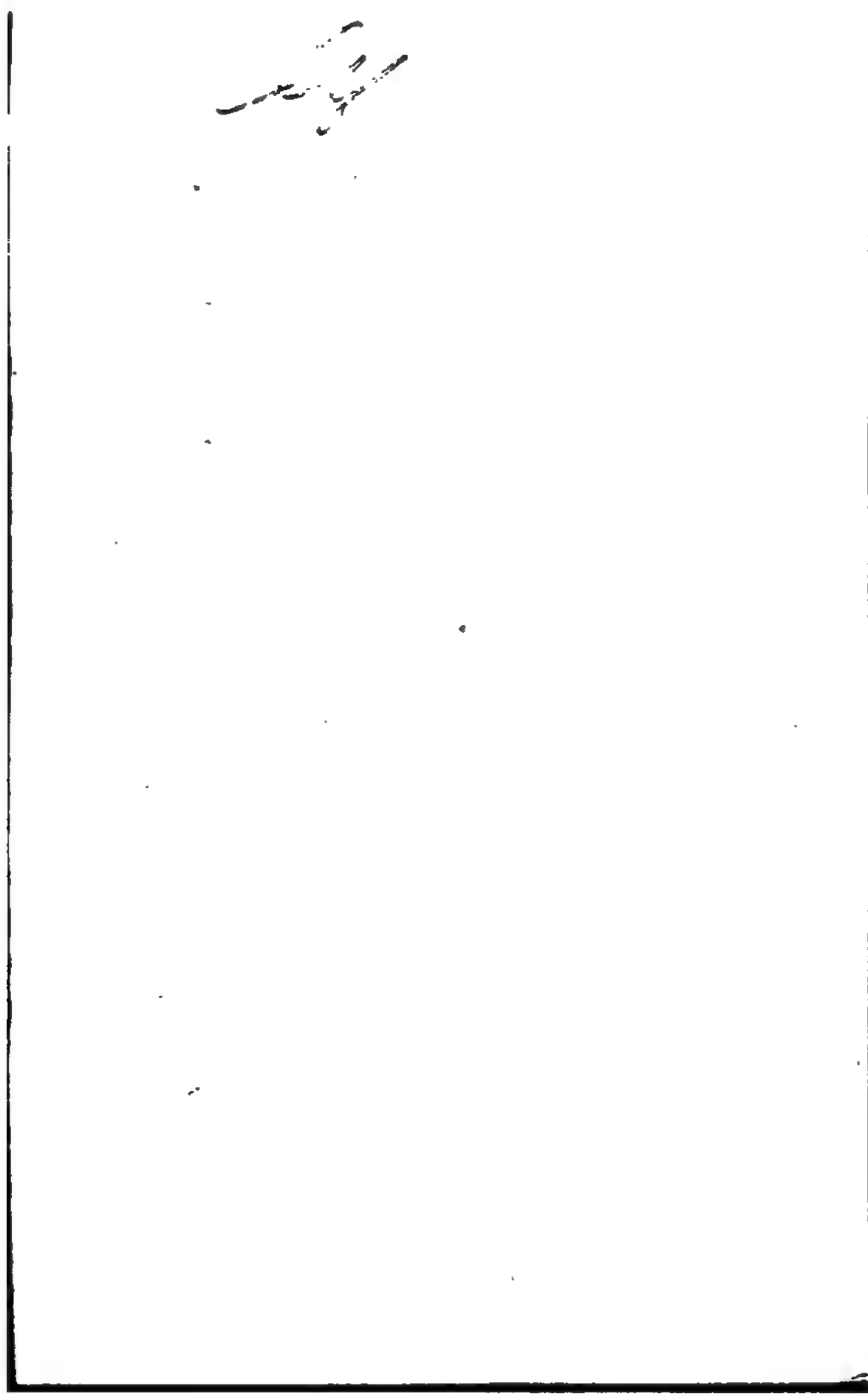
6613

REAGAN, RONALD

10-66

80-990*

Republican candidate
for Calif. Gov.



REAGAN, RONALD (GOVERNOR) 1/67 116-57309*

AKA RONALD WILSON REAGAN

DOB 2/6/11

POB SANTA MONICA, CALI ORNIA



REAGAN, RONALD

4/74

149-1002*

unsub; threat to bomb
Airplane of California Governor
Ronald Reagan
Monterey Peninsula Airport
Monterey, California 4/5/74

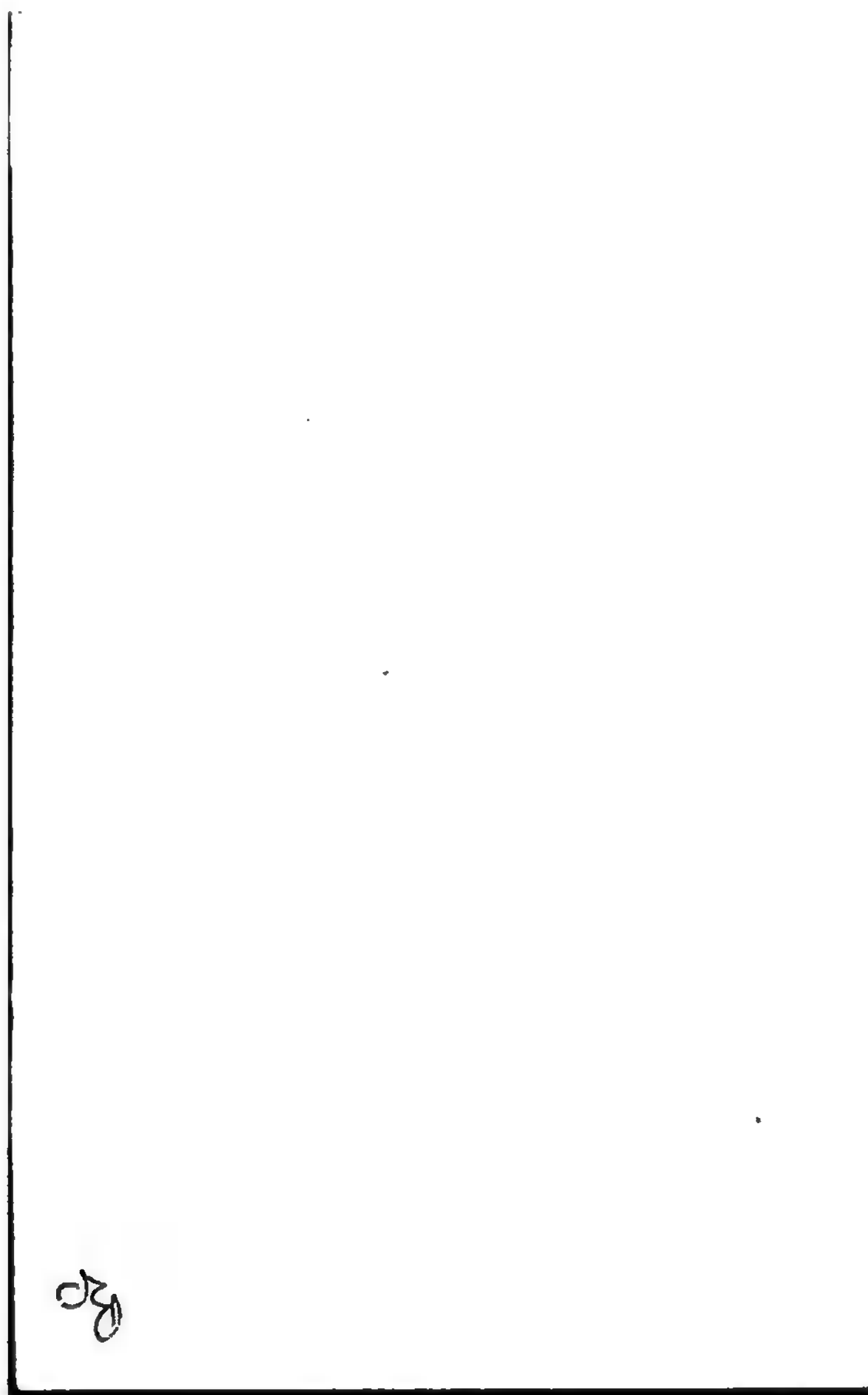
RONALD REG

© 1994

REAGAN, RONALD (GOV) 2/71

157-4123-642
P. 2

WMA



20

REAGAN, RONALD

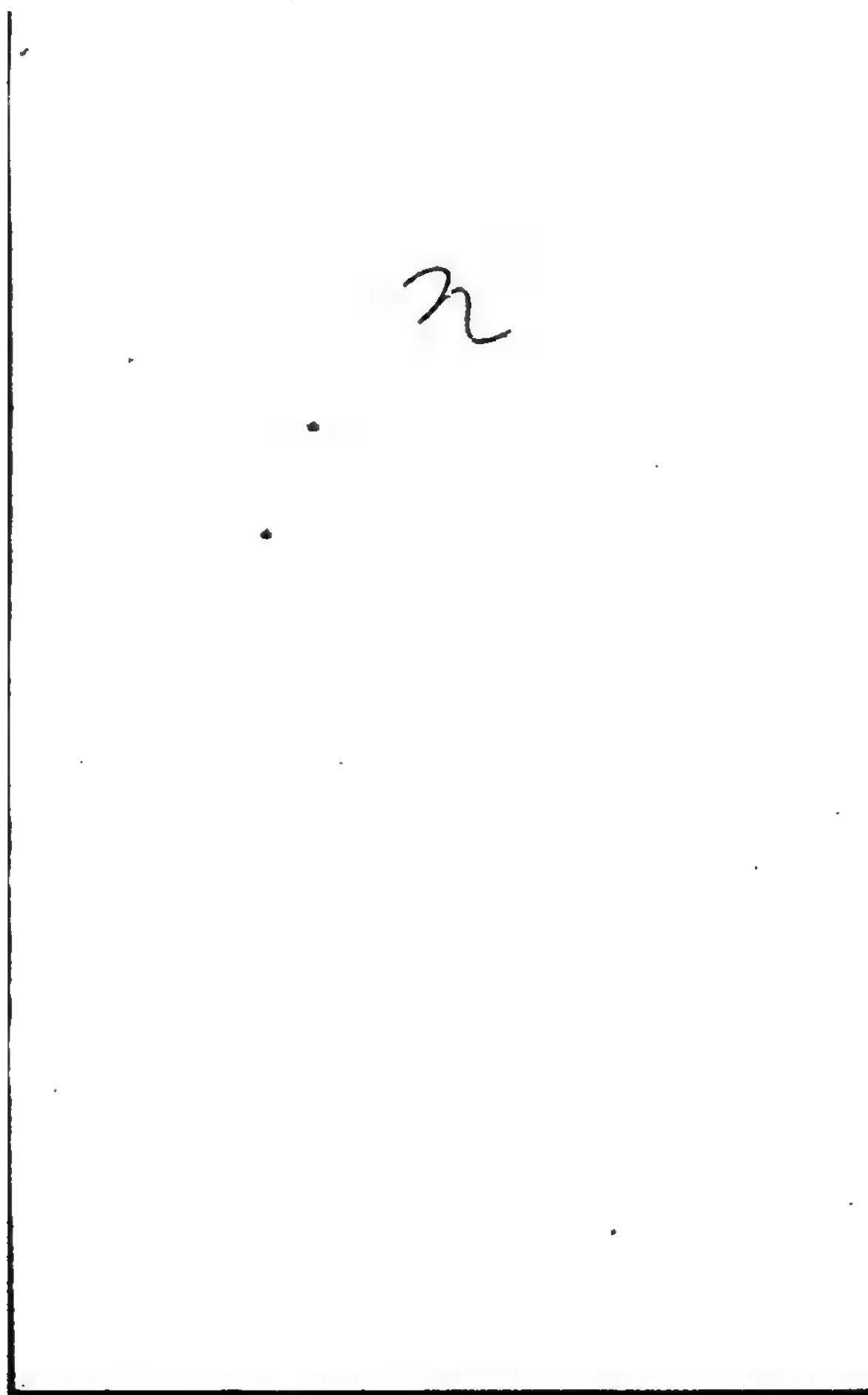
1/75

161-2519*

DOB: -2/6/11

POB: Tampico, Ill.

Governor of Ca. since 1967



REAGAN, RONALD

11/71

175-37*

Governor

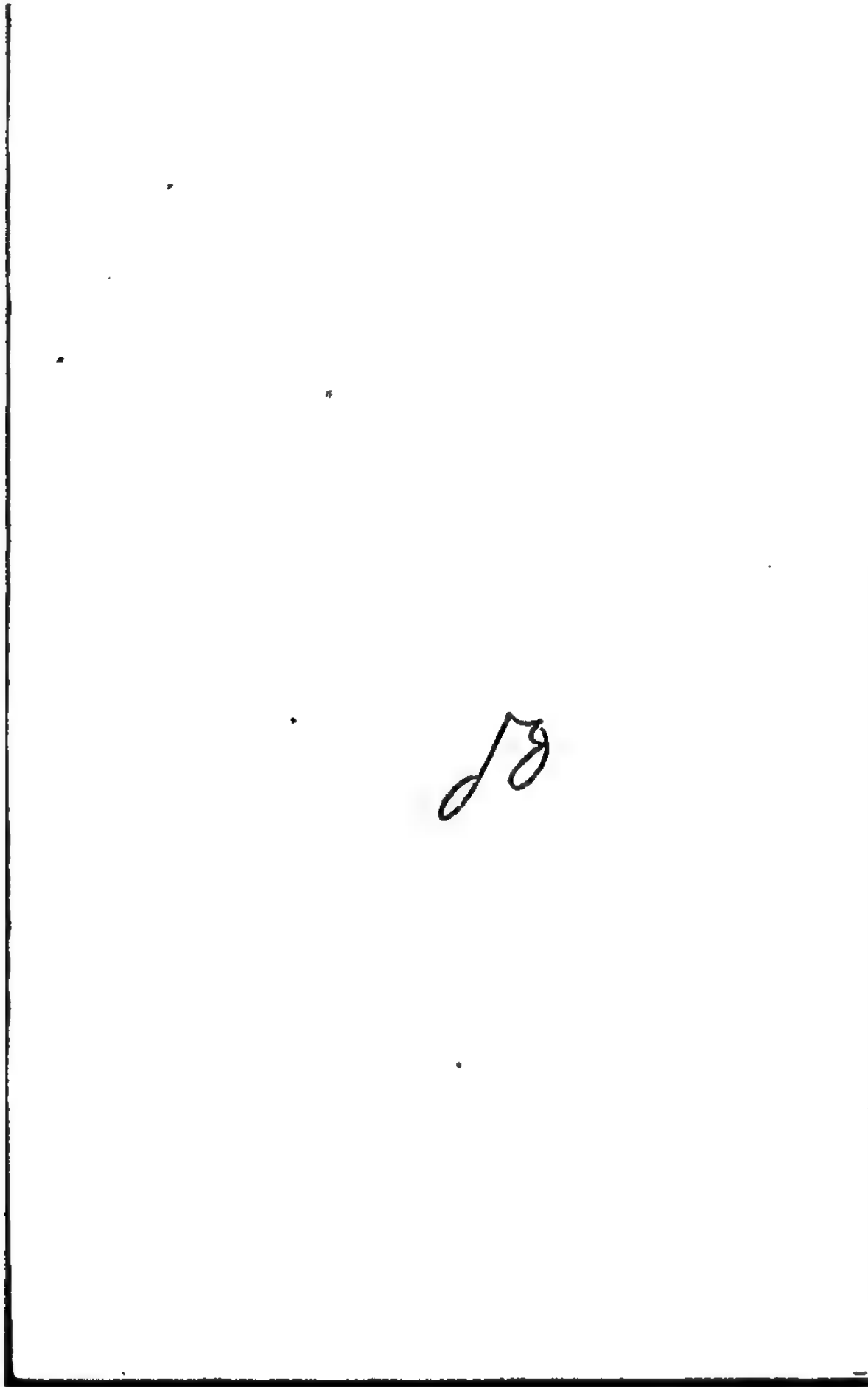
State of California

alleged planned assassination of

Reagan by members of the Charles

Manson Family

about 11/19/71



REAGAN, RONALD
(GOVERNOR)

4/74

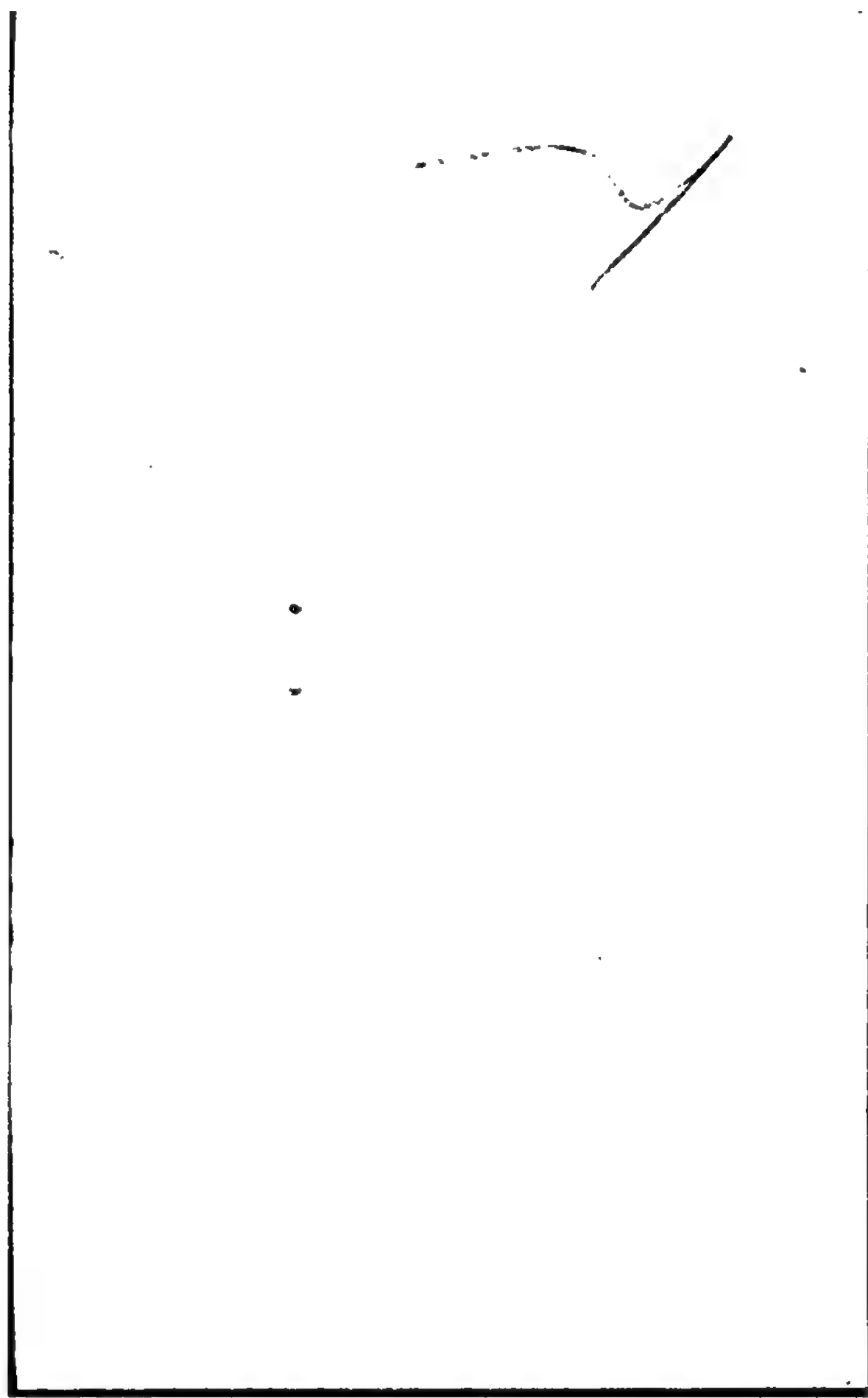
175-64*

unsub

anonymous call to R. J. Derby

"Washington Post" 4/13/74

regarding threat against
Vice-President Gerald Ford and
Ronald Reagan



REAGAN, RONALD WILSON 1/67 116-57309*

GOVERNOR

DOB 2/6/11

POB SANTA MONICA, CALIFOR CA

12

REAGAN, RONALD WILSON

1/75

161-2519*

DOB: --2/6/11

POB: Tampico, Ill.

Governor of Ca. since 1967

